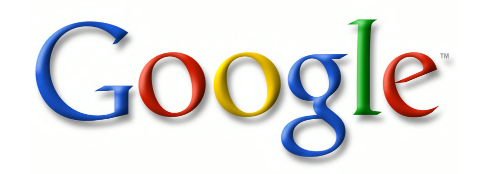
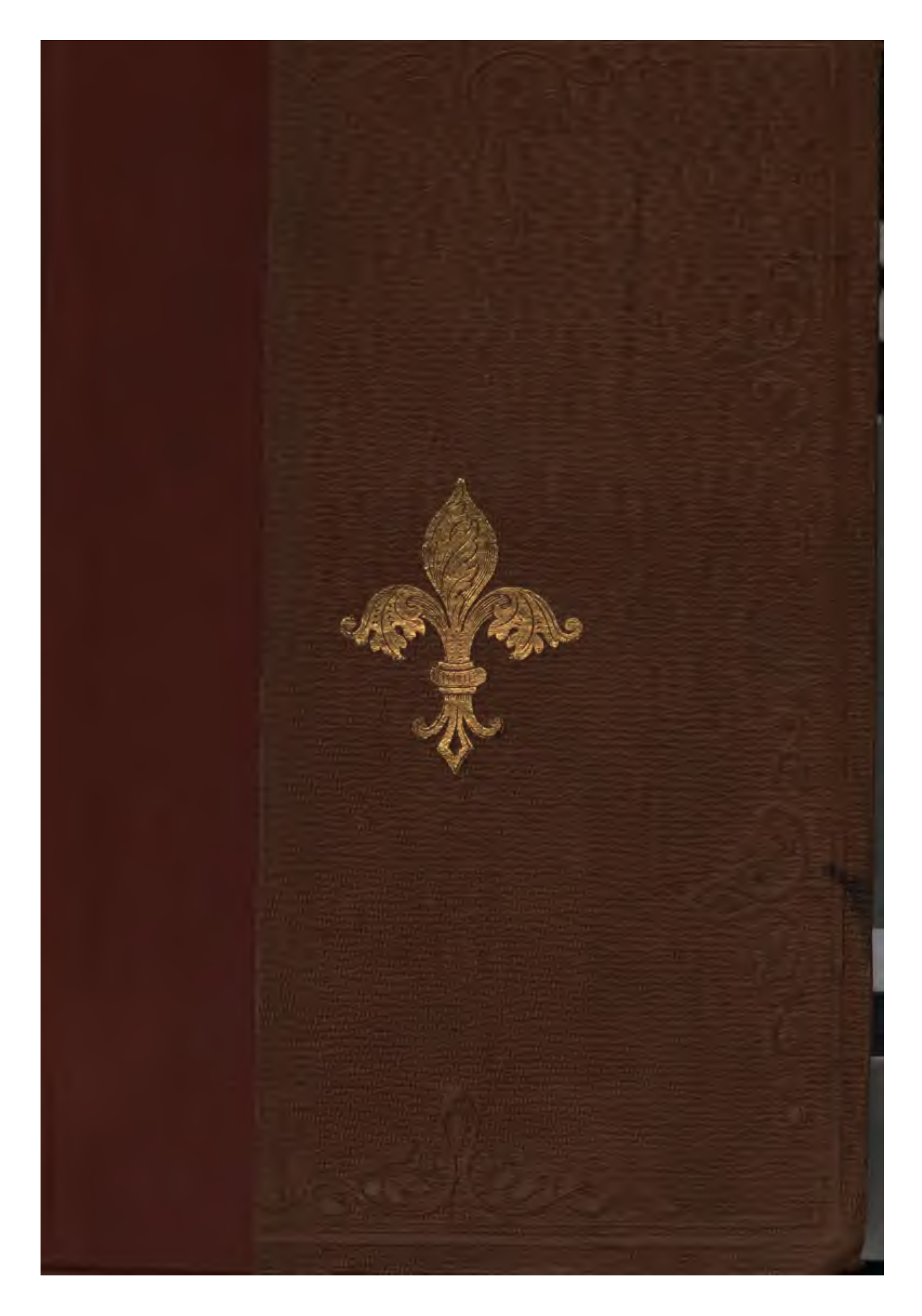
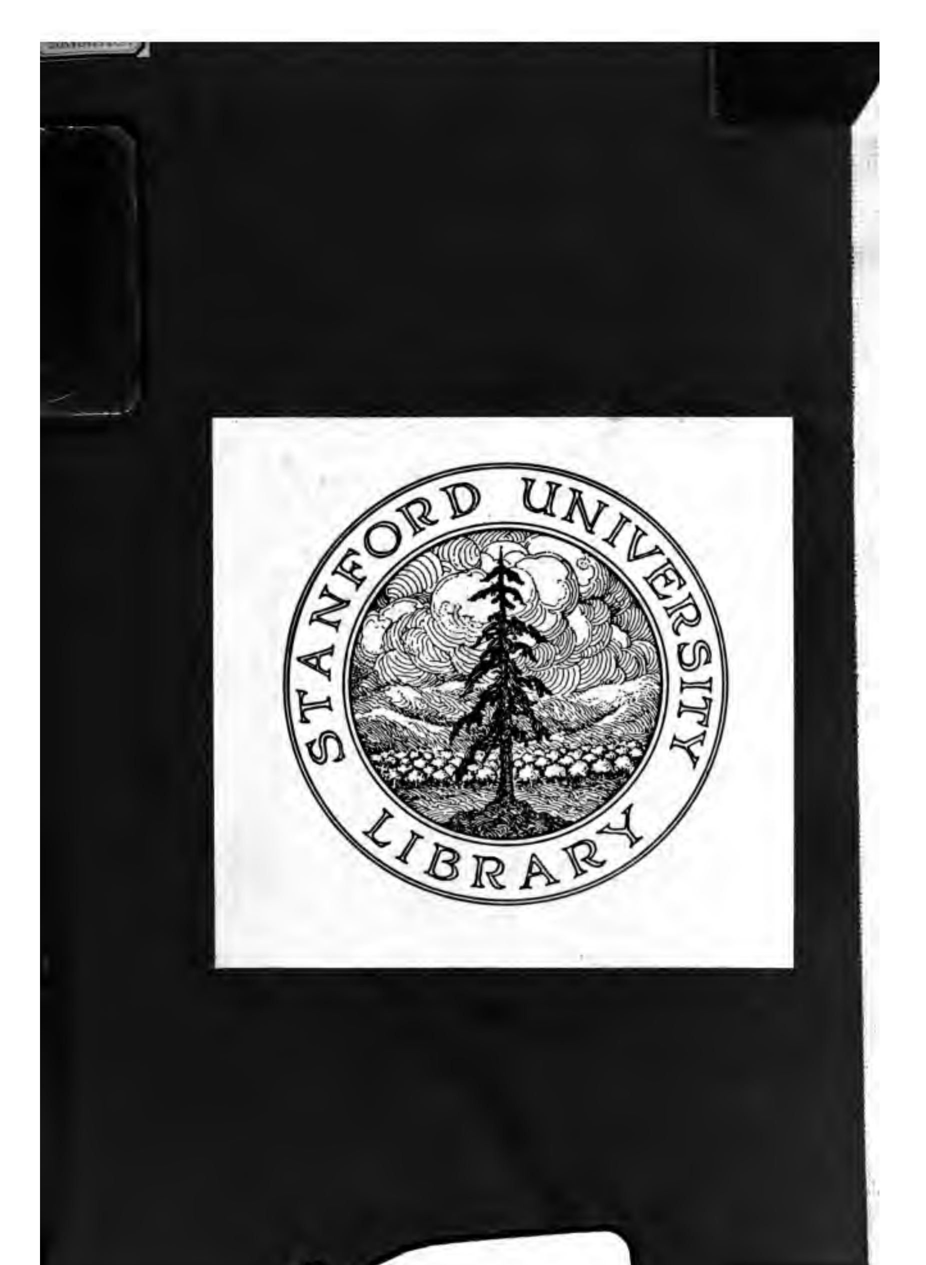





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THE

FORMATION AND PROGRESS

OF THE

TIERS ÉTAT,

OR

THIRD ESTATE IN FRANCE.

BY

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FIRST FRAGMENT

OF THE

COLLECTION

OF

UNPUBLISHED MEMORIALS

OF

THE HISTORY OF THE TIERS ÉTAT.

(A DESCRIPTION OF ANCIENT MUNICIPAL FRANCE.)*

Summary: The actual Extent of France, divided with a view to the History of the Municipal System into Three Zones and Five Regions, viz.:—1. The Northern Region; 2. The Southern; 3. The Central; 4. The Western; 5. The Eastern and South-eastern.—The Northern Region, comprising Picardy, Artois, Flanders, Lorraine, Champagne, Normandy, and the Ile-de-France—The Southern, comprising Provence, Comtat-Venaissin, Languedoc, Auvergne, Limousin and Marche, Guienne and Périgord, Gascony, Béarn and Basse-Navarre, Comté de Foix and Roussillon—The Central, comprising Orléanais and Gâtinais, Maine, Anjou, Touraine, Berri, Nivernais, Bourbonnais and Burgundy—The Western, comprising Britanny, Poitou, Angoumois, Aunis and Saintonge—The Eastern and South-eastern, comprising Alsace, Franche-Comté, Lyonnais, Bresse, and Dauphiny.

THE municipal history of ancient France, which forms the foundation and principal part of the history of the *Tiers Etat*, has only lately obtained the high degree

* This fragment is the Preface to the second volume of the Collection.

of importance and consideration which it deserved in public opinion. It was necessary for this purpose that modern revolutions, by displaying themselves before our eyes, should have taught us to observe and understand the revolutions of the middle ages. It is thus that a new historical meaning has been given to that which was called, by too modest a name, the enfranchisement of the communes; and that we have recognised all the characteristics of a real revolution in an event which had been hitherto classed among the administrative reforms of the French Crown. The complex question of the revival of the free municipalities in the twelfth century has from the first been treated in an imperfect, if not a partial, manner. There were different and, apparently, contradictory solutions—according to the point of view in which each author was placed by choice or chance—one considering, above all things, the uninterrupted duration of the municipal system, another, its sudden rejuvenescence, caused by a new spirit and by new constitutions; the latter, the act of concession or arrangement which emanated from the royal or seigneurial power; the former, the initiative taken by the *bourgeoisie* and the revolutionary tendency.* Next, in proportion as the

* See the *Lettres sur l'Histoire de France*, 1827; The *Histoire Critique du Pouvoir Municipal*, by M. Lebert, 1828; the *Histoire du Régime Municipal en France*, by M. Raynouard, 1829; and the *Histoire de la Civilisation en France*, by M. Guizot, t. v., 1830.

problem has been introduced into scientific discussion, these divergent views approached one another; a more enlarged and superior position was adopted, comprising them both, which, taking into consideration all the principles of the great municipal movement of the twelfth century, admits, at the same time, in order to explain it in its causes and its results, the traditional element and the inspiration that gave it new life, a spirit of wise liberality on the part of the rulers, and the exercise, irresistible when it is just, of the popular will.

The present state of our information enables us to consider two points in the communal revolution; on the one hand, the ground of this revolution or its spirit, on the other, the new forms of municipality which it has created. The ground is the same from one end of actual France to the other; it is, in the case of all the cities where it makes itself felt, in the course of the twelfth and thirteenth centuries, the need of progress and of a guarantee for civil liberty, a more or less ardent desire of substituting an elective magistracy for the feudal powers: as to the form, it varies according to the zones of the territory. As we have seen, in the Essay on the History of the *Tiers Etat,** a municipal constitution borrowed from Italy, in which the magistrates bore the title of consuls, spread itself from city to city in the south; in the north, there was ex-

* Chapter i., p. 37 and following.

tended in the same manner a constitution of a different origin, the *commune,* properly so called, or the municipality organised by an association and mutual assurance of the citizens under the guarantee of an oath.* These two currents of constitutional propagandism, advancing, the one from south to north, the other from north to south, and stopping at certain distances, left neutral an intermediate zone, in which the urban administration preserved its ancient forms, either intact, or variously and slightly modified. Such is the picture of municipal France in the middle ages. Three great divisions are marked out in it by lines drawn from east to west,—the zone of the consular government, the zone of the communal government, and the zone of municipal towns left unreformed, and of cities governed simply by the *bourgeoisie.* I ask the reader's pardon for these obscure forms. I do not dilate upon them here, I only recall to memory, in as few words as possible, what I have expressed and developed elsewhere.†

Under the division of the French territory into three zones, a secondary one may be traced, which divides it into five regions, each composed of many

* Upon the German institution of the *Ghilde,* and on the primitive meaning of the word *Commune,* see the *Considérations sur l'Histoire de France,* chap. v., 3d edit., p. 217 and following, p. 229 and following.

† Essay on the History of the *Tiers Etat,* chap. i. *Considérations sur l'Histoire de France,* chap. v., 3d edit., p. 212 and following.

provinces, and presenting essential differences as to the origins and organisation of the municipal system. These are according to the names which I give them, and the order in which I propose successively to describe them,—the regions of the North, the South, the Centre, the West, and the East and South-east.

I.

1) The region of the north, which is the cradle, and, if I may use the expression, the classic ground of the *communes jurées*, comprises Picardy, Artois, Flanders, Lorraine, Champagne, Normandy, and the Ile-de-France, provinces, of which each presents in its municipal institutions, together with general characteristics which are common to all, certain peculiarities of its own.

Among these provinces, Picardy is the one which comprises the largest number of communes, properly so called, in which this form of government attains the highest degree of independence, and in which it presents the greatest variety in its applications.* It is

* The communes of Picardy had, in general, the entire administration of justice, *haute*, *moyenne*, and *basse*. Not only did the municipal charters of the cities in this province apply to simple villages, of which some no longer exist, but there were also confederations of many villages or hamlets united together in municipalities, under a charter and magistracy collectively. Such were Vaisly, Condé, Chavones, Celles, Pargny nd Filain, in the Soissonnais; and, in the Laonnais, Cerny

here that we can observe the curious fact of the filiation of the communal charters, and of their diffusion by the force of example, either in the same province or beyond its boundaries, and, sometimes, at great distances.* French Flanders, dismembered from Belgian Flanders, and Artois, anciently placed under the same seigniory as the latter province, have a common type of municipal organisation. The principal trait of this resemblance consists in the fact that the *commune jurée* does not appear alone, but is in a manner accompanied by the *Institution of Peace,* a relic of the *Truce of God,* maintained as an establishment of urban police under the authority of special magistrates.† In Lorraine, the three ancient episcopal cities, especially Metz, present, together with institutions which are not found elsewhere, the most decided character of municipal independence.‡ With regard to the rest,

Chamouilles, Baune, Chevy, Cortone, Verneuil, Bourg, and Comin. Le Marquenterre, a vast canton of Ponthieu, received, in 1199, the communal charter of Abbeville. See the eleventh volume of the *Recueil des Ordonnances des Rois de France*, pp. 231, 237, 245, 277, and 308.

* From the charter of Amiens are derived those of Abbeville, Doullens, and many cities of Ponthieu. The charter of Soissons is repeated or imitated in those of Crespy in Valois, Compiègne, Senlis, Meaux, Fisme, Sens, and Dijon. The charter of Laon was brought to Rheims, and extended through the whole of the Laonnais; that of Saint Quentin served as a model for those of Corbie, Roye, and Chauny.

† *Apaiseurs* was the title given to them.

‡ These three cities, subject to the German empire, have, on that account, and others which I shall mention later, a

there is a fact worthy of remark, viz. that all, with scarcely an exception, have received their charter, or, as it is expressed, *la loi*, from Beaumont-en-Argonne, a small city of Champagne, founded towards the end of the twelfth century. In this last province, with the exception of Rheims, an old municipal city, which attempted to add the communal liberty to its traditional immunities, with the exception, too, of Sens and Meaux, which became *communes jurées*, the one by insurrection, the other by concession, the urban organisation displays but little strength, and is limited to the guarantee of purely civil rights. In Normandy, Rouen, and the other great cities, are *communes* constituted after a remarkable type: they have a mayor, twelve *échevins*, twelve councillors, and seventy-five peers, making in all one hundred members for the municipal body. This constitution was thence adopted in the south, on the lands in the possession of the English. In the Ile-de-France we observe the constitutional type of the *communes* of Southern Picardy reappear;* Paris, together with its municipality of time immemorial, presents a character of its own, in which the Roman tradition subsists under forms originating in the middle

great affinity of municipal existence with the cities which I have ranged in the fifth region, that of the east. It would be possible, on account of them, to include Lorraine in this region, by detaching it from that of the north.

* A mayor and twelve peers. See, on the titles of *Maire, Echevins, Pairs*, and *Jurés*, the *Considérations sur l'Histoire de France*, chap. v. and vi.

ages, in which liberty, complete in regard to civil right, has little influence in regard to political right.

II.

The second region, that of the south, is the field in which the form of municipal constitution which I have designated by the name of consular government was propagated on its arrival from Italy. The provinces which we can range in this division of the country are, Provence, Comtat-Venaissin, Languedoc, Auvergne, Limousin and Marche, Guienne and Périgord, Gascony, Béarn and Basse-Navarre, the county of Foix and Roussillon. I except from this list Lyonnais, Bresse, and Dauphiny, for reasons which I shall mention later. In the region of the south, the title of *Consuls* implies the same offices as the title of *Echevins* in that of the north;* but, generally, the power attached to these offices is more extensive and more independent; it raises itself, in the case of the greater part of the cities, to a kind of divided sovereignty, and in the case of some, even to the plenitude of the republican government. This region, in which the continuance of the municipal system from the times of

* The titles of *Syndics*, *Prud'hommes*, *Jurats*, *Capitouls*, which here and there accompany the title of *Consuls*, are the more ancient of the two. (See the *Considérations sur l'Histoire de France*, chap. v. and vi.)

the Romans manifests itself more clearly than anywhere else, is that which presents the greatest monuments of urban legislation: laws for the administration of justice and police, laws of election to the magisterial offices, and organic laws for constitutional reforms. The ancient statutes, corresponding to the communal charters of the cities of the north, are drawn up with more copiousness, skill, and method. A great number among them are real civil and criminal codes, remains of the law or the Roman jurisprudence preserved, in isolated instances, as common law.*

Provence and Comtat-Venaissin were, in the twelfth and thirteenth centuries, the focus of Italian tradition; it was there that, after the establishment of the consular municipality, the strange institution of the *Podestat*† was implanted in three great cities. Marseilles, Arles, and Avignon, stand alone in this respect, as well as in that of their municipal independence and

* By the terms of the municipal statutes of Montpellier, drawn up at the commencement of the thirteenth century, judgments were required to be delivered according to custom, and when custom was silent, conformably with the written law. "Et aqui ont las costumas defailhiran, segon orde de dreg." (The *Petit Thalamus* of Montpellier, register of the municipal statutes, published by the Archæological Society of Montpellier, 1st part, art. vi., p. 7.)

† The Podestat, (in Italian, Podestà,) who could only be elected among foreigners, was a sort of Dictator, not substituted for, but superimposed, on the municipal government. (See Sismondi, History of the Italian Republics of the Middle Ages, *passim.*)

power. Inferior to them in different degrees, the other cities of the same provinces still have this in common with them, that the consulate there presents itself as a more energetic form given to immemorial liberties, and that this change of constitution there appears as the work of the nobility as well as of the *bourgeoisie*. Almost everywhere the urban magistracy is divided between these two classes, who exercise it conjointly and with a good understanding;* we perceive that there was much less distance between them there than elsewhere. In the cities of Provence, as well as in those of Comtat, the college of consuls, which varied as to number, was attended by two councils, of which the most numerous had the name of General Council.† Besides, when a matter of high importance was being treated of, extraordinary meetings, convoked under the

* We must except two cities, Tarascon and Brignolles. At Tarascon, the division of the consulate between the nobles and the *bourgeois* was the subject of violent disputes, and in 1238 of a struggle with arms. At Brignolles, a solitary instance, the whole municipality was in the hands of the nobles; the consuls could only be chosen from their body. In 1222, they sold the consulate to the Comte de Provence, as a right which was their property. This sale was balanced by a popular revolution; and from that time, the *roturiers*, admitted into the municipal council, sometimes formed the whole body of it.

† At Marseilles, if I am not mistaken, the highest number was twelve for the consuls, forty members for the municipal council, and one hundred and fifty for the great council of the city.

name of *parlement,* and composed of all the heads of families, were held in the churches or in the open air.

It is curious to observe with what rapidity the movement, which spread the reform, or, to speak more accurately, the consular revolution reached the cities in Languedoc which were farthest from Italy. The consulate, established at Arles in 1131,* appears at Béziers in that same year; at Montpellier in 1141; at Nîmes in 1145; at Narbonne in 1148; and at Toulouse in 1188.† As regards equality in the development of municipal institutions, Languedoc ought to be placed before all the other provinces; the small cities were there on a level with the great in this respect, and a number of boroughs and villages bore a comparison with the cities. In its prerogatives the consulate, almost everywhere, answered to the idea of a complete government. This magistracy was surrounded with a senatorial magnificence, the insignia of which often

* This date is that of the legal establishment of the new constitution; it marks the epoch when the consulate, instituted by the citizens of Arles in opposition to the power of the archbishop, was, after a resistance more or less prolonged, recognised and agreed to by the last. In the case of Marseilles and Avignon there is no certain date, but the tradition of both cities refers the institution of consuls to the first years of the twelfth century.

† These dates are those at which the first mention occurs of the title of consuls in the acts which have been preserved down to our times; it is probable that the political establishment was, in the case of all these cities, some years anterior to the acts which prove their existence.

formed a contrast with the condition and daily life of those who were invested with them by universal suffrage.* In Languedoc as well as in Provence the high *bourgeoisie* were scarcely distinguished from the nobility; the *bourgeois*, from time immemorial, and without having experienced the necessity of a dispensation or express permission for the purpose, were able to acquire and possess, with full liberty, the lands of nobles. Toulouse, with its twenty-four consuls, to whom the more ancient name of capitouls was commonly given, was the one which had the greatest importance and splendour of all the municipal cities. At Nîmes there were, at first, two distinct cities, the *cité* and the *quartier des arènes*, and each possessed its several consulate; these two municipalities were united in 1207. It was the same with Narbonne, where there existed the city properly so called, and what was named the borough; but their union was not so readily effected, and even to the middle of the fourteenth century there existed two colleges of consuls. At Montpellier, the consular

* Racine wrote from Uzès to one of his friends in 1661: "What do you wish me to talk about? If I were to tell you that we have the loveliest weather in the world, you would not care much about it; to tell you that they are going this week to make consuls, or *conses*, as they call them, would not interest you much. It is, however, an amusing thing to see that gossip the carder, and that jolly fellow the joiner, with their scarlet robes like a president, issue their decrees and go up first to the offertory: you don't see that in Paris." (*Œuvres Complètes de Racine*, édition Lefèvre, t. ii., p. 304.)

government, established by means of an insurrection against the then *Seigneur,** at first only lasted two years, the period of the revolt. A counter-revolution brought back the former government with the old title of *Prud'hommes;* that of consuls reappeared after sixty-three years,† but this time in perpetuity, and with a magnificence which seems to prove how popular this title was. There were in the definitive constitution as many as twelve *consuls mayeurs* for the general governments, *consuls de mer*‡ to execute the regulations of the customs, and commercial relations with maritime powers, consuls to judge causes of traders by sea,§ and, lastly, a consul for each of the seven classes, in which the inhabitants of the city were arranged according to their different callings.

Auvergne, Limousin, and Marche, in the southern region, form the boundary to the north of that which I have named the zone of the consular system, a boundary which is continued to the east in another municipal region by Forez, Lyonnais, and Bresse. Still farther to the north the appellation of consuls disappeared; we only meet with those of *Maires, Echevins, Prud'hommes, Jurés, Syndics, Conseillers, Procureurs, Gouverneurs,* or *Elus.* The municipalities of Auvergne

* William, son of William and of Ermessinde, in 1141.

† Under the seigniory of the royal house of Aragon.

‡ Cossols de Mar. See the *Petit Thalamus* of Montpellier, 2d part, p. 114.

§ *Cossols dels mercadiers que van per mar.* (*Ibid.*, 3d part, p. 274.)

present no prominent feature; they possess consuls whose prerogatives are everywhere almost the same, and whose powers are restricted, at Clermont, by the officers of the bishop, at Aurillac, by those of the abbé, and at Riom, by those of the count, or the king. In Marche, a country of petty boroughs rather than of cities, the consulate, established subsequently to the thirteenth century, is a name of scarcely any importance. In Limousin, we find again this system in its southern energy; it appears at Limoges in the twelfth century, and continues there in full freedom till towards the end of the thirteenth. At that period, after a struggle maintained by the *bourgeois* against the claims of the viscount, a struggle remarkable from the part which the confederated association of the cities of the north took in it, the *bourgeoisie*, compelled to yield, makes a treaty of peace which mutilates its constitution and the rights of its magistrates.* Périgord presents in its capital the example of a destiny very different, of a municipal independence which may be called absolute, and the history of which abounds in particulars which are full of interest. We find there, as at Nîmes and Narbonne, the separation into two cities, but with this difference, that the most ancient of the two, the *cité*, preserves, up to the middle of the thirteenth century, a government of immemorial tradition, free under the patronage of the bishops, with aristocratic forms, and with a magis-

* The consuls of Limoges had been originally invested with the administrative, legislative, judicial, and military powers.

tracy undistinguished by any special name;* while the borough† followed the movement of the period, by assuming the consular constitution. We observe, moreover, the spirit of this revolutionary constitution introduce between these two cities, which were already rivals, a political antagonism and struggles carried on in arms which are terminated in 1240 by the ascendancy of the reforming principle, and their union in one common democratic community, under the government of the consulate. Besides, this system itself undergoes a reform; it is rendered more active and concentrated by the addition of a mayor to the twelve consuls, a practice of which the cities of Guienne, under the Anglo-Norman dominion, had learnt the advantages in their relations, which had become more frequent with the communes of the north.‡ Under this constitution of mixed origin, the city of Périgueux possessed, up to

* In the acts in which the body of the inhabitants of the city of Périgueux designate themselves, we find in their designation no other formula than this—Omnes clerici, milites et donzelli et alii laici civitatis.

† It was called Le Puy-Saint-Front, from the name of the church round which it had been built.

‡ The commune of Beauvais, constituted originally under the government of twelve peers, took in the same manner the institution of the mayoralty, borrowing it from the neighbouring communes. In its charter, revised in 1182, it was appointed that thirteen peers should be elected each year, and that one of them should be appointed mayor; the charter said one or two, but, after experience, the appointment of only one prevailed.

the revolution of 1789, a complete municipal sovereignty, liberty in everything, except the homage due to the Crown, such as was rendered by the feudatories for the time being: this is what is expressed by the official formula of the public deliberations—*the citizen seigneurs of Périgueux.*

At Bordeaux, the office of mayor, introduced into the municipal organisation towards the end of the twelfth century, encountered there, not the consular system, but a more ancient form of municipality, in which the principal title of the magistracy was that of *Jurats,* a title which is found in a number of cities from the Gironde to the midst of the chain of the Pyrenées. It appears that this constitution, existing beyond memory at Bordeaux, was there very freely and extensively developed; and it was there that it had strength to resist the spirit of reform which propagated the consulate. In 1244 the corporation was composed of a mayor, whose office was annual, fifty *jurats,* thirty councillors, and three hundred citizens, elected by the people, with the name of *Defenseurs,* to lend assistance to the government. Towards the end of the thirteenth century, the number of *jurats* was reduced to twenty-four, and that of the *defenseurs* to one hundred. At different periods all the cities of the Bordelais modelled their constitutions on that of the capital, and the great part of them were called *alliées* and *filleules* of Bordeaux.* Besides, the

* These cities were Blaye, Libourne, Saint-Emilion, Podensac, Bourg, Castillon, Cadillac, Rions, and Saint-Macaire.

imitation of the same constitutional type, extended itself into western Gascony, towards the south; it is found at Réole, Mont-de-Marsan, Saint-Sever, and Dax. There exists there a whole family of urban constitutions, whose common character is the association of the *mairie* with the *jurade*, and though it occupies a territory of small extent, it deserves to be separately classed. In the rest of Gascony we observe the consulate reappear; not in its highest degree of independence, but with restricted powers and a divided jurisdiction. These cities of eastern Guienne present in their history some peculiarities worthy of remark; Cahors, a municipal city reformed by the consular propagandism, is one of those which struggled with the greatest constancy for the maintenance and development of their new constitution; Agen, a municipal city, not reformed, whose traditional government was a college of twelve *prud'hommes*, saw the collective title of those magistrates, the *conseil*, changed, by a mere alteration of expression, into that of *consuls*;* at Rhodez, where the *cité* and the *bourg* formed, as at Périgueux, two cities and two distinct municipalities, this separation continued entire and absolute up to the middle of the eighteenth century.

Béarn, united to lower Navarre, presents a class of communities governed uniformly by the *fors*, or

* In the customs, drawn up in 1369, we find, *Lo cosseth d'Agen, los Pros-homes del cosseth*; the title of consuls, employed about the same period by the royal chancery, only appears in use in the fifteenth century and afterwards.

municipal statutes, analogous to the *fueros* of Spain. The cities, both great and small, have *jurats* to the number of six or four, and these magistrates administer freely and without division civil and criminal justice.* In the midst of this unity of administrative and judicial organisation the city of Bayonne detaches itself and forms a contrast with all the others. We observe it, at the commencement of the thirteenth century, abandon its indigenous municipal system and look abroad for a foreign constitution, that of the Norman communes, imported and perfectionised in the cities of Poitou and Saintonge. There was a twofold motive—the suzerainty of the kings of England, extending from Normandy to the Pyrenées, and the commerce of a maritime city, which thus brings back to the extremities of the municipal zone of the south the *commune jurée* in its native form, with all its rules and usages. In the terms of the royal charter granted in 1215,† the corporation of Bayonne was composed of a mayor, his lieutenant, twelve *échevins*, twelve councillors, and seventy-five peers. Together with the new municipal officers, the foreign nomenclature which served to designate them was introduced; but, with regard to the collective designation of the citizens, custom preserved under the communal system the same title as before: those who,

* Except the high jurisdiction of the *fors* of Morlaas, which was a kind of supreme court for the whole province. The word *fors* had the double meaning of law and tribunal.

† By John Lackland.

in the cities of the north, were distinguished by the name of *jurées*, were called *voisins* at Bayonne; and this word received the political meaning of the other—that of members of the commune associated by oath.*

The consulate reappears in the cities of the county of Foix; we see it at Pamiers invested with very extensive prerogatives; it is in the mountain close to this city that we find the curious republican federation of the six communities of the Val-d'Andorre. The cities of Roussillon, all governed by a small number of consuls,† present this particular characteristic, that the most prominent feature of their municipal existence is its military organisation. A long time previous to the definitive reform of their political constitution, they exercised the right of war to avenge and satisfy wrongs inflicted on the generality of their inhabitants, or on some of them, or even on an individual member.‡ Elne, the ancient episcopal city, obtained from its bishop, in 1155, a charter which guaranteed this right to it in full, without yielding any part of the jurisdiction, which it reserved absolutely to the bishop. In all the cities of this province, whatever might be in other respects the degree of their independence, the first consul was hereditary commandant of the urban militia,

* The municipal registers of Bayonne contain a number of deeds of admission of *voisins* and *voisines*. The same formalities are observed for men and women.

† Two in general, and never more than five.

‡ It is this that the customs of Perpignan call the privilege *de main armée*—privilegium manus armatæ.

and, in this character, he had the right of life and death over the citizens. At Perpignan, the consular government, established in 1196 by the general will, and after deliberation among the inhabitants,* was independent on all points and completely democratic. The five consuls, elected for a year, at first alone, afterwards with a council of twelve, then of sixty and ninety members, possessed the judicial power in its full extent, and the legislative power, with the necessity, however, of taking the advice of the whole body of the citizens in matters of importance. Although divided into three classes, which were called *mains*,† and whose rivalry frequently induced discords and acts of violence, the citizens were all equal in political rights.

III.

I now pass on to the third municipal region, to that which I have named the central region: it comprises

* "Notum sit cunctis . . . . quod nos omnes insimul populi totius ville Perpiniani, ... constituimus inter nos quinque consules . . . . . qui bona fide custodiant et defendant ac manuteneant et regant cunctum populum ville Perpiniani, tam parvum quam magnum." (Code of the Customs of Perpignan, quoted in the researches of M. Henry into the ancient constitution of this city, *Mémoire Presenté par divers Savants à l'Académie des Inscriptions et Belles-Lettres*, t. i., 2 série, p. 233.)

† The *main majeure*, the *main moyenne*, and the *main mineure*. These modes of expression belong to a political phraseology in use in Aragon, which, representing the kingdom as a body, made of the king the head, of the states-general the

Orléanais and Gâtinais, Maine, Anjou, Touraine, Berri, Nivernais, Bourbonnais, and Burgundy. This vast portion of the territory is, in a manner, the kernel of the intermediate zone, situated between the two great zones of the communal association to the north, and of the consulate * to the south. The *commune jurée* is not found, except with very rare exceptions, and the title of consuls only appears twice, in the twelfth century, in Burgundy, in a small city which revolted, from which it soon disappeared again; † and in the thirteenth century in Bourbonnais, in a municipality close to Auvergne, and constituted under the influence of that neighbourhood.‡ Here the general rule is no longer in

arms, and of the inhabitants of the cities, distinguished by classes, the hands.

* In the political language of the southern municipalities this word had the two meanings which I give it. It signifies equally the college of the magistrates, called consuls, the constitution which had admitted this title of magistracy, and the community governed by a similar constitution. (See the *Charte du Consulat d'Arles*, published by M. Giraud, *Essai sur l'Histoire du Droit Français au Moyen Age*, l. ii., p. 1 and following.)

† At Vézelay, in the department of the Yonne, about the year 1150. (See the detailed account of this municipal revolution in the *Lettres sur l'Histoire de France*, Letters xxii., xxiii., and xxiv.)

‡ At Gannat, in the department of the Allier. A charter of privileges granted in 1236 to the *bourgeois* of this city, by Archambault VIII., sire de Bourbon, gives them the right of electing annually four from among those who govern the city, and who should be competent to name and appoint consuls and have the consulate instituted.

favour of one or other of the two forms of government created by the municipal revolution of the twelfth century; it is, in the first place, in favour of earlier constitutions, more or less free, more or less democratic, whose origin is lost in the night which separates the great movement of renovation and urban independence from the municipal system of the Roman times. It is, in the second place, in favour of the civil liberties, either absolutely free, or joined to a certain amount of administrative rights, but without political guarantees, without jurisdiction, without an independent magistracy, without that half-sovereignty which was the primitive character, the ideal object, at least, if not always attained, of the consulate and the commune.* When we approach this region of the centre, in which almost all the cities, great or small, old or recent, escaped the action of the reforming propagandism of the twelfth century, we touch the problem of our municipal history, which is the most difficult and the least cleared up at the present time. It is here that we need, more than anywhere else, a scrutinising attention, and a great accuracy of analysis. It is no longer required to describe institutions which originated at a certain time, and were spread over large districts by the power of

* I do not mean to say that the unreformed *municipes*, and the communities invested with purely civil rights, are entirely wanting in the territories which I have considered up to this point. As has been seen, these two categories of municipal existence there meet, the one in the condition of an exceptional fact, the other in the condition of a secondary fact.

example. That which requires to be pointed out and understood are constitutional changes effected in the old municipal towns at an unknown period, the written proof of which has long since entirely disappeared, and which can be ascertained by inference alone.

The municipality of Chartres, in the middle ages, was composed of ten *prud'hommes,* administrators of the common affairs of the city, a number which seems to be a traditional continuation of the part which was filled by the ten of the senate *decemprimi, decaproti,* in the Roman municipal system.* The jurisdiction and police were entirely in the hands of a *prévôt*—first, under the *seigneur,* afterwards under the king. Towards the end of the fifteenth century, the *prud'hommes* were increased to twelve, and took the name of *échevins;* in the sixteenth century they obtained the right of administration of the police. At Orléans the same number of ten, designated by the same title, denotes an original conformity in the municipal government of the two cities. The second of them attempted, about A.D. 1137, to follow the movement of the period; it constituted itself into a *commune jurée,* without the acknowledgment and even to the detriment of the royal authority, which punished it severely in consequence.† Every vestige

* See Digest, lib. l., tit. v., l. 1, § 1, 3, § 10 and 18, § 26.

† "Celeriter Aurelianensem regressus civitatem, cum ibidem comperisset, occasione communiæ, quorumdam stultorum insaniam contra regiam demoliri majestatem, compescuit audacter, non sine quorumdam læsione." (Hist. Ludovici VII., apud Script. Rer. Gallic. et Francic., t. xii., p. 121.)

of a communal constitution then disappeared, and Orléans resumed its ancient system, entirely free as far as its urban administration was concerned, while justice, both in regard to civil and criminal matters, was committed to a *bailli* and a *prévôt* of the king. As at Chartres, and at the same period, the ten *prud'-hommes*, increased to twelve, changed their name; they were called *procureurs de ville*, and some time afterwards *échevins*. Etampes obtained from Philippe-Auguste the liberty which his predecessor had refused to Orléans, of raising itself to a *commune;* but the small city, better treated in this respect than the great, did not long enjoy this privilege. Its commune was abolished for ever in 1196, at the request of the ecclesiastics and nobles whose serfs it enfranchised. In the other cities of the province we only discover some rude sketches of a municipality without any decisive character, and, for the most part, of no great antiquity.

Lorris in Gâtinais presents the curious example of the greatest amount of civil without any political rights—without any jurisdiction, and even without the prerogatives of administration. The position given to that small city from the first years of the twelfth century, by its charter of customs, anticipated, in some sort, the greater part of the essential conditions of modern society. Largely endowed with immunities for person and property, it did not form a corporation, and had not, in any degree, a police belonging to it. Notwithstanding, its charter was the object of ambition to

a multitude of cities which solicited and obtained it, either of the kings or the *seigneurs*. The popularity of this charter increased and spread during the centuries in which the municipalities with political privileges gradually declined. As its nature was exclusively civil, adapting it to pass from the state of urban law to that of territorial custom, it took that part in the jurisprudence, and ended by regulating not only the condition of the *bourgeois*, in such or such a place, but the law of the commonalty of a whole province.*

The city of Mans is one of three which, prior to the twelfth century, gave the first example of the communal insurrection, and it preceded the two others; its commune, confederated in 1072 against the power of the count, and in agreement with the bishop, did not last longer than a year.† After having made head

* Charles VIII. had the customs of Lorris published in 1493. In the sixteenth century they were termed *the customs more ancient, famous, and celebrated than any others in France.* Louis XIII. reformed them in 1631 ; they were then common to almost 300 cities, boroughs, or villages of Gâtinais, Orléanais, Pays-Chartrain, Blaisois, Berri, Touraine, Nivernais, Champagne, and Burgundy. (See the *Coutumier General* of Richebourg, 1724, t. iii., 2e partie, p. 829 and following.)

† "Facta igitur conspiratione quam communionem vocabant, sese omnes pariter sacramentis astringunt." . . . (*Gesta Pontif. Cenoman.*, apud Script. Rer. Gallic. et Francic., t. xi., p. 540.)—The commune of Cambrai dates from 1076, and that of Beauvais from 1099. (See the *Lettres sur l'Histoire de France*, Letters xiv. and xv.)

against the local *seigneur*, it sank without a struggle under the power of William the Conqueror, who came from England with considerable forces to enforce his claims upon the county of Maine. After that we find in Mans nothing but the government of spurious municipalities, deprived of all peculiar jurisdiction, till the day when the city obtained a charter from Louis XI., which raised it into a community, under a mayor, six peers, and six councillors, having the right of a police, and very extensive rights of administration of justice. In this province, in which almost all the municipalities were incomplete, that of Ferté-Bernard can be quoted as a type of the urban organisation reduced to its most simple form,—an elective syndic charged with the receipt and outlay of the public funds. Anjou is still more feeble than Maine, as to the development and the liberty of its municipal institutions. Towards the end of the twelfth century Angers appears to have an organised militia; but its whole government is limited to a city council, dependent on the officers of the count, deprived of jurisdiction, and without a claim to any special office for any of its members. This immemorial municipality continued, or rather dragged on, its existence, which became weaker and weaker, to the time when Anjou was definitively united to the Crown; then, by a grant of Louis XI., it gave place to a more complex constitution, more elaborate in regard to its form, and, in regard to its foundation, perfectly free. It possessed a mayor, a sub-mayor, eighteen *échevins*,

and thirty-six councillors, together with all the rights, famous for their extent, which the commune of Rochelle possessed.* Louis XI. granted to the *bourgeois* of Angers these considerable privileges thirteen years after having made the same concession to the *bourgeois* of Tours.

Tours, in the twelfth century, and still earlier, formed two distinct cities—the *cité* and the *bourg* of Saint-Martin, which was called Châteauneuf. There was in the case of the *cité* an immemorial constitution, in which all the powers, with certain restrictions difficult to determine, belonged to four *prud'hommes*, elected annually by the entire body of the citizens. Châteauneuf revolted about A.D. 1125 against the *seigneurie* of the chapter of Saint-Martin, adopted a communal organisation, which some forced capitulations and the royal mediation reduced, after a long struggle, to the government of ten *prud'hommes*, without judicial competency.† In the thirteenth century the two cities were united, and the constitution with the greatest freedom, that of the *cité*, then became their common government; only the four *prud'hommes*, the administrators and judges, were increased by two, who were henceforward chosen by the inhabitants of the

* See the letters patent, in form of a charter, granted in February 1474. (*Rec. des Ordonn. des Rois de France*, t. xviii., p. 87.) In the sixteenth century the municipality of Angers was reduced to a mayor and twenty-four *échevins*.

† See the letters granted by Philippe-Auguste in 1181. (*Rec. des Ordonn. des Rois de France*, t. xi., p. 221.)

*bourg.** It is this constitution, of a simplicity, so to speak, elementary, which in 1461 replaced the municipal government of Rochelle; a mayor, twenty-four *échevins*, and seventy-five peers, having full jurisdiction, both civil and criminal.† In the case of the other cities of Touraine, the most general and earliest form of municipality is the financial administration, with or without the rights of a police, discharged by two persons elected for the purpose.

Bourges is the one of the episcopal cities in which appear in the most striking manner the signs of a democratic revolution prior to the great movement from which issued the consulate and the commune,—a revolution of which no historical evidence exists, and which, reviving, perhaps, the remains of the Roman

* At each meeting of the municipal council there sat, together with the six elected members, a representative of the archbishop, delegates of the Chapter of Tours and the Abbey of Saint-Martin, the judge of Touraine, and many *bourgeois notables.*

† . . . "We give and grant, by these presents, to the said mayor and *échevins*, who shall be thus elected for the government of our said city of Tours, similar power, justice, prerogatives, and pre-eminences, in our said city of Tours and elsewhere, to those which are possessed by the inhabitants of Rochelle, in that city and elsewhere." (Letters patent, in the form of a charter, granted by Louis XI., February 1461; *Rec. des Ordonn. des Rois de France*, t. xv., p. 332.) The charter of Louis XI. mentions expressly only a mayor and twenty-four *échevins*, which, under Henri III., served as a pretext for reducing the municipal corporation of Tours to that number.

senate, had ejected at the same blow the power of the bishop and the count from the municipal government. From remote antiquity up to the twelfth century the city had been governed by four *prud'hommes*, annually elected, having the right of dispensing justice in all causes,* and administering all matters of common interest, on their own responsibility, up to a certain amount, and, above that, with the obligatory co-operation of the general meeting of the inhabitants. This constitution, rendered frequently subject to stormy struggles by its very nature, was destroyed by Louis XI. after an *émeute*, in which the royal officers, constrained to treat with the general meeting for the assessment of a tax, had been maltreated and threatened with death by the people. Whatever resentment the king—who was little inclined to pardon—might have felt at this circumstance, his spirit of liberalism, in regard to the *bourgeoisie*, which formed one of the most remarkable traits of his character, did not desert him. He granted the same privilege to the citizens of Bourges as to those of Tours and Angers—a government modelled after the commune of Rochelle;† and he formed the new cor-

* "Postquam per probos homines ipsius civitatis, ad quos omnia judicia villæ ejusdem et septenæ ab antiquo dignoscantur pertinere facienda, judicatum fuerit." (Charter of Philippe-Auguste, granted in 1811 ; *Rec. des Ordonn. des Rois de France*, t. xi., p. 223.) See the *Olim* published by the Count Beugnot, year 1262, t. i., p. 544.

† And since our said city of Bourges has not been governed in time past by a mayor and *échevins*, and it is our desire

poration of a mayor, twelve *échevins*, and thirty-two councillors—the latter nominated by all the citizens, and themselves nominating the other magistrates. There were, perhaps, as many effective guarantees in this as in the old constitution of Bourges; but the latter was so deeply rooted in the recollections and affections of the people, it was so pressingly demanded again at the death of Louis XI., that his successor re-established it. By an ordinance—the terms of which are curious, from the earnestness which they disclose—Charles VIII. restored the government of the *Four*, with the same conditions as had existed from time immemorial; only as these magistrates had no fixed title, since the name of *prud'hommes* had fallen into desuetude,* it was appointed that they should hereafter be called *échevins*.† Some years after the office of mayor was perceived to be a useful innovation, and a mayor, appointed annually,

that it should henceforward be exactly in the same form and manner as our said cities of Rochelle and Tours have been, and still are. . . . (Letters patent, granted in the month of June, 1474; *Rec. des Ordonn. des Rois de France*, t. xviii., p. 23, art. 5.)

* Their title was by turns that of the *four elect*, *the four of the city*, *the four commis and elect*, *the four governors and syndics*.

† These petitioners have humbly petitioned and requested that we may be pleased to reinstate them in the same position as they were formerly, without, however, making any so frequent meeting of the people. . . . We grant to the said petitioners and their successors for ever, power, faculty, ability, and authority, to elect hereafter to the government of

was added as president to the four members of the *échevinage*.*

The constitution of Bourges has been the type of municipal liberty not only for the cities of Berri, but also for cities situated beyond that province. In the same manner as the municipalities reformed after the model of the consulate and the commune, it was a centre of propagandism, an object of emulation and imitation to those around it, an imitation which was naturally limited to the measure of their ability, and which was only found almost completely carried out in the city of Nevers. In 1231, this city, in a treaty made with its *seigneur*, and perhaps forced upon him, stipulated that four *bourgeois*, elected by the whole community, and called in the subsequent charters sometimes *jurés*,† sometimes *échevins*, should be invested with the rights of jurisdiction, administration, and police, in all degrees. These four powers, as if supreme, chose, as

the common affairs of the said city . . . . every year four notables . . . . who shall be called *échevins*. (Letters patent, of the 14th February, 1483; *Rec. des Ordonn. des Rois de France*, t. xix., p. 628.)

* This definitive change took place in 1491.

† The word *jurés*, in the sense of sworn functionaries, as well as its southern form, *jurats*, is an expression which is connected with the remains of the Roman municipal government. *Jurés*, in the sense of *bourgeois* confederated by oath, is a more recent expression, which appears in the charters when the Germanic association, or the *Ghilde*, is applied to the renovation of the municipal government. (See the *Considérations sur l'Histoire de France*, chap. v.)

at Bourges, as many notables as they wished, to assist them in their judgments and deliberations. By a singular coincidence with the history of this last city, some serious disorders occurring at Nevers in the reign of Louis XII. caused the suppression of the direct election in general meeting, and the appointment of thirty-two councillors, chosen to the number of eight by each of the quarters of the city, and charged with the election of the four *échevins*. This constitution, which it is necessary to distinguish here from the communal government, although it contains all the same political guarantees, appears at Moulins attended by immunities purely civil, and by an administrative competency to which the jurisdiction of police was not added till very late.* The number of four for the municipal officers, whatever might be their power, generally forms the rule in the cities both great and small of Berri, Nivernais, and Bourbonnais,† and it there tallies with the division into four quarters, which ascends very far back, and seems to belong to the *castrum* of the Roman times.‡

In Burgundy the forms of the municipal government

* In 1518 by a charter of Anne of France, duchess of Bourbonnais, who, on the petition of the inhabitants, gave them permission to adopt a mayor.

† At Vierzon and at Issoudun, the *Four* have the title of *gouverneurs;* at Châtre they are named *prud'hommes;* in the other places they only bear the vague title of *élus.*

‡ It is thence that the word *quartier* is derived, to designate, without respect to number, all the divisions of a city.

present a greater variety; there are some remarkable examples of an earnestness to appropriate the constitution of cities situated at a distance from the province, and of an assiduous industry to develope the primitive foundation of the indigenous municipalities. By a revolution brought about, as it appears, in the twelfth century, by agreement between the Duke of Burgundy and the inhabitants of Autun, the seigneurial office of the *Viguier*, or the *Vierg*, as it was called in that city,* was rendered municipal and elective. The *Vierg* of Autun, nominated annually from that time by the whole body of the citizens, and appointed first magistrate of the city, preserved all his rights as representative of the ducal power—the high, mean, and inferior jurisdiction, and the supreme command of the urban militia. Every year a very popular fête, which, from its immemorial antiquity, was associated by the Autunois with traditions derived from the *Eduen* republic,† the *Vierg* on horseback, clothed with a robe of violet-coloured satin, with his sword at his side, and a sort of sceptre in his hand,

* The words *vigerius* and *viarius* (for *vicarius*) occur in the Latin charters of Autun, and the words *viers*, *vyer*, and *vierg*, in the French charters.

† On the Fête of the First of September, and the opinion which, supported by the resemblance of certain letters, traced up the name and office of *Vierg* to the *Vergobret*, the supreme magistrate of the *Eduens*, see the History of the City of Autun, by Joseph Rosny, p. 148 and following, and the Latin Commentary of the President Chasseneuz, on the Customs of the Duchy of Burgundy, 1574, in fol. p. 26.

preceded by the standard of the city and followed by the *bourgeois* in arms, went from his house to one of the Roman gates of Autun, administering justice on the way; on his return he held a review of the militia, and presided in the great square at a mock fight.* The military authority of the *Vierg* of Autun lasted longer than any other of his ancient prerogatives; he was fully invested with it in the sixteenth and seventeenth centuries, while his civil and criminal jurisdiction was first disputed and then taken away by the royal officers.

About the year 1183, the inhabitants of Dijon, struck with the reports which they heard of the cities enfranchised by the communal revolution, sought a model of a *commune jurée* which appeared in all respects to suit their wants, in Picardy, the focus of this revolution. It is not known from what motive they chose the commune of Soissons, nor whether the applications which they addressed to the Duke of Burgundy, in order to obtain his consent to this change of government, were made in a rebellious or pacific spirit; at all events, the Duke Hugo II. granted them, under the guarantee of the King of France, his authority to organise themselves into a commune according to the form of that of Soissons.† It is a curious fact, that

* See an extract of the letters patent granted by Louis XIV. to the city of Autun, in 1644, *Histoire d'Autun*, by J. Rosny, p. 155.

† "Noverint universi præsentes pariterque futuri, quod ego Hugo, dux Burgundiæ, dedi et concessi hominibus de Divione,

they requested of the city of Soissons itself a memorandum of its rights and constitutional usages, which was forwarded to them in the form of a charter, under the seal of the commune, which they took as their model.* This constitution, which had but a short period of success in the city where it originated,† had a very different fortune at Dijon: there it had full development, and, far from losing any of its guarantees in the crisis through which it passed, it increased in liberty and power. At first, the municipality of Dijon, strictly formed on the model of Soissons, was composed of a *maire,* or *mayeur,* and of *jurés,* whose probable number was twelve; afterwards the *jurés* took the name of *échevins,* and their number was increased to twenty. Besides the *échevinage,* there were city councillors, who were joined to them to the number of twenty, then of thirty, and four *prud'hommes,* who appear in the case of Dijon to be a remnant of the govern-

communiam habendam in perpetuum, ad formam communiæ Suessionis, salva libertate quam prius habebant." (Charter of Hugo III., granted in 1187, *Rec. de Pièces Curieuses pour l'Histoire de Bourgogne,* by Pérard, p. 337.)—See two charters of Philippe-Auguste, granted the one in 1183, the other in 1187; *Rec. des Ordonn. des Rois de France,* t. v., pp. 237 and 238.

* "Noverint universi præsentes et futuri, quod hæc instituta et has habet consuetudines communia Suessionis . . . . Ut autem hoc ratum et constans habeatur, communia Suessionis hanc cartam appositione sui sigilli certificavit. (Collection of Pérard, p. 336.)

† See in the *Lettres sur l'Histoire de France,* letter xix., the History of the Commune of Soissons.

ment prior to the communal constitution. The *maire* conducted, with full authority, the civil and military government: he had the high jurisdiction, the high police, the exclusive command of the urban militia, and the custody of the keys of the city. From the fourteenth century, he took the title of *Vicomte-Mayeur*, on account of the Vicomté of Dijon, in right of seigniory over certain streets of the city, which the Duke of Burgundy had acquired and afterwards ceded to the commune;* in the seventeenth century he still wore, in the public ceremonies, a part of the costume which may be seen on the seals of the middle ages which represent him.

The city of Beaune obtained, in 1203, authority to constitute itself into a commune, according to the form of Dijon; the entire administration of justice, high, mean, and inferior, was guaranteed to it by its charter, with the exception of capital punishments, and the enjoyment of certain fines.† In 1231 the same constitution and the same liberties were granted

* "Item, cum discordia verteretur inter nos, ex una parte, et homines dictæ communiæ, ex altera, super hoc quod petebant a nobis vicecomitatum Divionensem quem acquisieramus, quod non poteramus facere, ut dicebant." . . . . (Charter granted by Duke Robert, 1284, Coll. of Pérard, p. 348.)

† "Noverint universi præsentes et futuri, quod ego Odo, dux Burgundiæ, dedi et concessi hominibus de Belna communiam habendam in perpetuum, ad formam communiæ Divionis." . . . (Coll. of Pérard, p. 274.)—See the suit of the city, adjudged in 1459, ibid., p. 281 and following.

without reserve to the inhabitants of Montbar, and in 1276 to those of Semur-en-Auxois, with two exceptions, that the Duke of Burgundy should nominate the mayor of the city, and that all the fines should belong to him.*

Auxerre had had fifteen years before Dijon the desire and opportunity of raising itself into a *commune jurée;* the count favoured this undertaking, probably from jealousy of the bishop—his *co-seigneur,* who was opposed to it, and who successfully pleaded his cause at the court of Louis le Jeune.†

This opportunity, once lost, was never recovered by the city, henceforth limited, in matter of municipal liberty, to its traditional system, a government of twelve elected magistrates, who had not even a common hall, and assembled for their deliberations in the open places or in the churches. These twelve city councillors, deprived of all jurisdiction, named from among themselves three *gouverneurs* for the despatch of affairs. The city of Châlon-sur-Saône succeeded in raising the power of its four *prud'hommes,* existing from time immemorial, to the right of administering justice in every depart-

* The charters of these two cities have the words: *Communiam et libertatem habendam in perpetuum, ad formam communiæ et libertatis Divionensis.* (See the Collection of Pérard, pp. 419, 422, and 529.)

† "Idem comes, de assensu regio, communiam Autissiodori de novo instituere voluit: cui item præsumptioni præsul insignis se confidenter opponens, super hoc in regia curia causam ventilandam suscepit." . . (*Script. Rer. Gallic. et Francic.*, t. xii., p. 304.)

ment, sharing it with the *châtelain* of the Duke of Burgundy. The municipality of Mâcon presents no clearly defined form before the middle of the fourteenth century, and, since that time, the authority of its six *prud'hommes*, without jurisdiction, continued always dependent on the ducal or royal *bailli*.* At Tonnerre, there existed in the same way six elected magistrates, without judicial power, who were named *échevins*, and to whom there was added, towards the end of the sixteenth century, a mayor, having the jurisdiction of police. Châtillon-sur-Seine presents a new example of those cities which were divided into two parts, municipally distinct; the two communities which were called Chaumont and the Bourg had the same form of government—four magistrates,† whose powers, on one side or the other, were unequal. Those of Chaumont possessed a certain jurisdiction, those of the Bourg had no right of administering justice; the two municipalities were merged in one in the seventeenth century. It is necessary to remark the frequency of this govern-

* Letters of Philippe de Valois, February 1346, which authorise the inhabitants of Mâcon to assemble to treat of their affairs, and to choose among them six *prud'hommes*, or counsellors, *procureurs* and *syndics*, import that they had neither corporation nor commune (*ne corps ne commune*), and terminate thus:—"It is by no means our intention that through this they have, or ought to have, corporation, or commune, or ordinary jurisdiction." (*Rec. des Ordonn. de Rois de France*, t. iii., p. 594.)

† They were named *échevins* in the Bourg, and at Chaumont *prud'hommes*, or *maires*.

ment of four persons, which, in the cities of central France, was anciently held in high esteem, applying itself to all the degrees of municipal independence, from the entirely free government which prevailed at Bourges and Nevers to the system of a simple urban police, or to the mere management of the common interests in pecuniary matters.*

IV.

The fourth region, the western, comprises Britanny, Poitou, Angoumois, Aunis, and Saintonge; it is distinguished from the central and southern regions by two peculiarities. The first is the original and uniform type of the municipalities of Britanny; the second is the establishment of the communal constitution of Rouen and Falaise, in four of the provinces annexed to the Anglo-Norman dominion in the twelfth century. Had it not been for this adoption of the *commune jurée* according to the type given by the great cities of Normandy,—an event favoured, without doubt, by the policy of the Kings of England,—Poitou, and the provinces

* This number is not a peculiarity limited to the central region; we find it here and there in the cities and boroughs of the south, and it appears to be a tradition of the Roman municipality. The *curiæ* had two or four magistrates chosen annually, *duumviri, quatuorviri juridicundo.* The tradition of the number two has likewise left some traces, but the examples of it are very rare.

bordering on it to the south, would have followed the southern reform, and renewed their municipal government by the institution of the consulate.

The traditions of Roman law and municipal government, preserved in all the provinces of Gaul, did not exist in Armorica; this country received a new spirit and new social forms from the emigration from beyond the sea, which gave it the name of Britanny. Two of its cities, Nantes and Rennes, are the only ones which were able to retain anything of the Gallo-Roman municipality. In the case of the others, and especially in the case of the simple boroughs, the traditional municipality was at once a civil and ecclesiastical government, in which the parochial church was the centre of administration, and in which the *conseil de fabrique* filled the place of the common council. Besides, in Britanny, no jurisdiction was joined to the urban administration; in the cities, the right of justice, in all its branches, belonged to the duke or the bishop; and, in the villages, to the *seigneur* of the locality.* In the history of this province there was no struggle of the *bourgeoisie* to obtain political rights—no trace of the communal revolution; the name of commune does not appear there in public or private acts till after its union with the Crown. From that time the forms and titles

* Guincamp is the only city which could form an exception, and this had a municipal administration of justice granted to its *bourgeois* by the Dukes of Britanny, probably in the fifteenth century.

of the French municipal offices are seen to penetrate different parts of Britanny, and to replace or modify the ordinary type of the native municipality; six civic councillors, a syndic, a *miseur,** and a controller of the common funds.† In 1560 the city of Nantes, abandoning this old system, petitioned for and obtained from Francis II. the municipal constitution of Angers, with all its privileges, but with a less numerous magistracy—merely a mayor and ten *échevins*.‡ A reform analogous to this, but not so directly imitated, had already taken place at Rennes. By grant of Henri II., the city was constituted into a regular corporation, under the government of thirteen magistrates, who

* The officer charged with the receipt and disbursement of the taxes. The word *mise* properly signifies expenditure.

† These municipal offices were indiscriminately filled by the clergy, the nobility, and the *bourgeoisie*. In many cities, at Morlaix, especially, the offices of *miseur* and controller were exercised by noblemen of ancient family.

‡ "The *bourgeois*, sojourners and inhabitants of our town and city of Nantes, having informed us . . . . . that . . . . . they have not a civic corporation, nor any heads to take the superintendence and administration of affairs, ... we would readily provide, according to our pleasure, to grant them a corporation, college, and civic body, composed of a mayor and ten *échevins*, to conduct, manage, and govern the police and general affairs of the said city, with the same powers, privileges, immunities, and liberties, as the mayor and *échevins* of Angers."—(Letters patent of Francis II., Archives of the Hôtel de Ville at Nantes. Livre doré, 2e part, p. 3.) In the same register, at the end of this charter, is found that of the city of Angers, granted by Louis XI. in 1474.

subsequently were reduced to seven—six *échevins* and a *procureur-syndic*.* Quimper, in the seventeenth century, obtained an *échevinage,* like Nantes and Rennes, and yet remained, as before, under the temporal jurisdiction of its bishop.† At Saint-Malo this jurisdiction remained full and entire up to the last century; and, according to all appearance, it was the same with Vannes and Saint-Brieux.

When we pass from Britanny to Poitou, the aspect of the municipal government entirely changes; and we find the *commune jurée* under not only the freest, but, to use the expression, the most elaborate form. It was from Normandy that the cities of Poitiers and Niort, subject to the Anglo-Norman Crown, took the pattern of their communal constitution, in the twelfth century. They imitated, as I have said, Rouen and Falaise, and they had this government, which was

* 1548, 26th March; Letters of Henri II., forming the community of the city of Rennes into a regular corporation.—1548, March 30; Extract of the roll signed by the King at Chantilly, by which he permits the inhabitants of Rennes to elect thirteen to provide for the government of the city.—1592; Letters of Henri IV., forming the community of the city of Rennes into a regular corporation. (*Archives of the Hôtel de Ville at Rennes.*)

† "The King, having respect to the said request, has permitted, and does permit, to the said inhabitants, to nominate and elect, for the management and government of the said city (Quimper-Corentin), four *échevins*, like those of Nantes and Rennes." (*Decree of the Council of the* 31*st August*, 1634. *National Archives, Administrative Section, E,* 119.)

adopted by them in the reigns of the sons of Henri II., conceded and assured to them by Philippe-Auguste, after his judicial conquest of Normandy, Anjou, Poitou, and Saintonge. Such is the meaning of the two charters given by this king in 1204,* to which was added a copy of the constitutional rules of the communes of Rouen and Falaise.† The communes of Poitiers and Niort followed these rules to the letter in the organisation of their political corporation; they had a municipal college of one hundred members,

* "Noverint universi . . . . . quod nos concedimus burgensibus nostris de Niorto . . . . . ut communiam suam habeant ad puncta et consuetudines communiæ Rotomagensis" . . . . . (*Rec. des Ordonn. des Rois de France*, t. xi., p. 287.) The charter given to the inhabitants of Poitiers simply confirms the grant of a *commune jurée*, which was made by Queen Eleanor, without specifying the form of this commune: "Concessit universis hominibus de Pictaviâ et eorum hæredibus in perpetuum communiam juratam apud Pictaviam." (*Ibid.*, p. 290.) That Philippe-Auguste, in designating in an express form the communal constitution of the *bourgeois*, did not grant them anything new, is proved by the fact that, in the letters of confirmation of the privileges of the city, given after him, his name is not found joined to those of the princes of England. (See *Ibid.*, p. 327.)

† This document, addressed to the inhabitants of Poitiers on their petition, still exists in the archives of the city. We there find it printed twice in the *Recueil des Ordonnances des Rois de France*, in t. i., p. 306, note *b*, and in t. v., p. 671. Its compilation proves that it was the work of the municipal magistrates of the two cities: "*Si quis juratorum nostrorum communiæ sit in misericordiâ positus . . . . . si quis dixerit se esse nostrum juratum, et nos exinde minimè certi sumus.*"

—viz. a mayor, two *échevins*, twelve councillors, and seventy-five peers;* but, whether at once or gradually, they exceeded without finding opposition the degree of rights and power accorded to the Roman municipalities. While at Rouen and Falaise the mayor was nominated by the King on a list of three candidates, and the urban jurisdiction was limited by restrictions,† at Poitiers and Niort the jurisdiction was absolute, and the mayor elected of their own direct authority. There were in these cities two sorts of municipal assemblies—one convoked every week, and consisting of the mayor, the twelve *échevins*, and the twelve councillors; the other every month, in which the seventy-five peers sat in addition, and which bore the name of the Monthly Meeting and that of the Hundred‡ (*Assemblée des Mois et des Cent*). The

* The name of peers was given in general to the hundred members of the college, and, in particular, to those who had not been raised by election to the various magistracies—viz. the offices of mayor, *échevins*, and counsellors.

† "Si oporteat majorem in Rothomagensi sive in Falesia fieri, illi centum qui pares constituti sunt eligent tres proborum hominum civitatis, quos domino regi presentabunt, ut de quo illi placuerit majorem faciat." (*Rec. des Ordonn. des Rois de France*, t. i., p. 306, note *b*.)—"Volumus et concedimus quod dicti major et illi de communia et eorum successores habeant, teneant et exerceant omnimodam juridictionem ad nos pertinentem . . . . . . retenta nobis justitia mortis, mehagnii et vadiorum belli quum secuta fuerint." (Letters of Philip III., confirming the administration of justice to the mayor and *bourgeois* of Rouen. Ibid.)

‡ The constitutional statute of Rouen and Falaise conveys that there shall be two meetings a week held by the mayor

mayor, chosen annually by and from among the one hundred members of the college, was captain-general of the city, and judge, together with the *échevins,* in all civil and criminal causes. The college, a kind of *bourgeois* patriciate, appointed all the magistrates, and recruited itself by election. At Niort, the whole of these privileges, corresponding to the greatest amount of municipal independence, had, as at Périgueux, assumed the seigneurial form, under the immediate vassalage of the Crown. According to ancient acts, the officers of the commune of Niort held of the King, "in right of barony, in faith and liege homage, on acknowledgment of a glove, or five sous of Tours, in place of all fees, payable at each change of *seigneur,*" the *mairie* and *capitainerie* of the city, and the superior, mean, and inferior jurisdiction, both in matters civil and criminal.* The other cities of Poitou, Châtellerault, Loudun, and Montmorillon, were far from enjoying similar immunities, and their municipalities, of a date comparatively recent, do not deserve mention.

In Saintonge and Aunis we see the constitution of

and the twelve *échevins;* that at the second, held on Saturday, the twelve counsellors shall be present; and that every fortnight, on the Saturday, the meeting of the hundred peers shall be held. (See *Recueil des Ordonn. des Rois de France,* t. i., p. 306, note *b.*)

* Acknowledgment rendered to the King, 13th July, 1579. Archives of the city of Poitiers. A similar act of fidelity and homage was performed by the corporation of the city of Niort, July 2, 1611.

the Norman cities reappear with the same privileges as at Niort and at Poitiers, except the unrestricted jurisdiction, and the independent election of the mayor by the municipal college.* The charter granted by Philippe-Auguste to the *bourgeois* of Saint-Jean-d'Angely, as a *perpetual guarantee* of their commune, imports that that commune shall be governed according to the form of that of Rouen,† and, at their request, an authentic copy of the constitutional statute of Rouen and Falaise was despatched to them by the royal chancery. No trace of a similar demand exists in the case of Rochelle, and the act which guarantees to it its commune under the French Crown does not mention that of Rouen,‡ an omission which is also observable in the charter of Poitiers, but which has no more importance in one case than in the other. The com-

* The judgment of crimes of high treason belonged to the officers of the crown, and the mayor was named by the *Sénéchal* of the province from a list of three candidates elected.

† "Noverint universi.... quod nos concedimus in perpetuum dilectis et fidelibus nostris universis juratis communiæ sancti Johannis Angeliacensis et eorum hæredibus perpetuam stabilitatem et inviolatam firmitatem communiæ suæ juratæ apud sanctum Johannem Angeliacensem. Præcipimus autem ad ultimum ut communiam suam teneant secundum formam et modum communiæ Rotomagensis." (*Rec. des Ordonn. des Rois de France*, t. v., p. 674.)—"Noveritis quod nos, ad petitionem vestram, mittimus rescriptum communiæ Rotomagensis in hunc modum." (*Ibid.*)

‡ See the letters granted by Louis VIII. in 1224, *Recueil des Ordonn. des Rois de France*, t. xi., p. 318.

munal system of Normandy was, in the case of these two cities, a part of their customs, which every charter of confirmation granted in general terms was understood to comprise. Rochelle rendered itself celebrated among all the communes governed by the same constitution, and became the type of municipal liberty for the cities of the centre of France. Under the government of its college of one hundred members, mayor, *échevins*, councillors, and peers, having full jurisdiction, this commercial and warlike city raised itself to the highest point of power and prosperity. It is well known to what boldness of designs it was hurried on during the sixteenth and seventeenth centuries by a constitution, almost republican, devoted to the service of the Protestant cause, and how it required a long siege, conducted by Richelieu, to reduce it. Harshly punished for its revolt, Rochelle lost in 1628 its constitution and municipal privileges: Saint-Jean-d'Angely, where the same constitution existed with less brilliancy, lost its privileges also, for the same cause. At Saintes we find the communal government of Poitou and Normandy modified by an organisation prior to the establishment of the commune. In the place of a mayor, there are two *jurés*, invested conjointly with the principal authority; the city corporation has only twenty-five members, of which a part has the title of *échevins*, and the other that of peers. In the thirteenth century a kind of struggle commences, with various results, between the principle of the unity of executive power and the

ancient municipal usages: the office of mayor is instituted in the place of the twofold magistracy of the *jurés;* but the latter soon reappears, brought back by the force of habit. It was not till the end of the fifteenth century that the institution of the *mairie,* demanded of Charles VIII. by the city of Saintes, was definitively established.*

The capital of Angoumois was one of the cities which, with Reims, Bourges, Toulouse, and Marseilles, boasted of being in possession of a right of administration of justice prior to the establishment of the monarchy. In the thirteenth century its old constitution received an increase of liberty and reforms inspired by the municipal law of Rochelle; and in the last half of the fourteenth century it was entirely renewed, by the adoption of the communal government as it then existed at Saint-Jean-d'Angely.† Angoulême preserved, up to the last cen-

* "And for this purpose the said petitioners have humbly petitioned and requested us, and had us petitioned and requested, that we may be pleased to change and alter the said two *jurés* to the condition and office of mayor, and that every year they may be able to elect him on such day as shall seem good to them." (Letters granted by Charles VIII., May 1492. *Recueil des Ordonn. des Rois de France,* t. xx., p. 330.)

† See, in the t. v. of the *Ordonn. des Rois de France,* pp. 581 and 670, the letters granted by Charles V. to the *bourgeois* of Angoulême, in January 1372 and March 1373. The second of these documents contains, together with the royal ordinance, some charters despatched from the city of Saint-Jean-d'Angely, among which is found the communal statute of Rouen and Falaise.

tury, all the constitutional forms of that government, and the supreme jurisdiction in all cases, except in that of high treason. Cognac, the second city of the same province, had only the mean and inferior jurisdiction, and it only appropriated two things—the *mairie* and the *échevinage*—from the system of institutions, artistically complicated, which flourished in the great municipalities of the surrounding country.

V.

I now come to the last of the five regions of ancient municipal France, the one, namely, in which I range Alsace, Franche-Comté, Lyonnais, Bresse, and Dauphiny. Besides their geographical position, these provinces have this in common, that they once belonged to the empire of Germany,* a circumstance which has, in appearance, little to do with the question of the municipal system, but which has in reality exercised an influence in various ways upon the conditions of that system.† At variance with the policy of the kings of

* The four last were annexed to the empire in 1032, by the grant which Rodolphe III., king of Burgundy, made of his states to the Emperor Conrad le Salique.

† We might, as I have said above, here comprise Lorraine, by detaching it from the region of the north, where its three episcopal cities, Metz, Toul, and Verdun, form, by the character of their institutions and history, a kind of anomalous intrusion. (See above, p. 6, note 3.)

France and counts of Flanders, the emperors were systematically hostile to the municipalities created by the revolutionary means of insurrection and mutual assurance, under the pledge of an oath.* In their northern territories they had withstood and forbidden the *commune jurée*, and, in their southern territories, every popular combination tending either to the erection or the normal development of the consulate. In the provinces, moreover, which were at a distance from the centre of the empire, and strangers to German nationality, they had, by all possible means, strengthened the power of the ecclesiastical *seigneurs*, and weakened that of the lay *seigneurs*, of whom they entertained greater distrust. They had, in consequence, protected the municipal autocracy of the bishops against all revolution, even though consented to by the sove-

* See the *Considérations sur l'Histoire de France*, chap. vi. —"Conventiculas quoque omnes et conjurationes in civitatibus et extra, etiam occasione parentele et inter civitatem et civitatem et inter personam et personam, seu inter civitatem et personam, omnibus modis fieri prohibemus." (Constitutio pacis Frederici I., apud Pertz, Monumenta Germaniæ historica, Leg., t. ii., p. 112.)—"Quod nulla civitas, nullum oppidum, communiones, constitutiones, colligationes, confederationes vel conjurationes aliquas, quocumque nomine censeantur, facere possent ; et quod nos, sine domini sui assensu, civitatibus seu oppidis in regno nostro constitutis auctoritatem faciendi communiones, constitutiones, colligationes vel conjurationes aliquas, quæcumque nomina imponantur eisdem, non poteramus nec debebamus impertiri." (Henrici regis sententia contra communiones civitatum, ibid., Leg., t. ii., p. 279.)

reign counts of the country.* It is to the continually increasing weakness of the ties of vassalage which attached it to the empire, that Provence owed the establishment of its great municipalities, and the conception, free and complete in this case, of the consular constitution. But Dauphiny, less fortunate, because its subjection to the empire was more tangible, found itself checked in this career of municipal renovation by the support which the bishops of the principal cities received in the elections, in opposition to the spirit of independence and attempts of the *bourgeoisie*. In this province, and in consequence of the circumstance which I point out, where the consulate appears at all, it is as a new title, and not as a new power; we find it reduced to something mediocre and subordinate, deprived of jurisdiction, having nothing of the semi-

* A curious charter of the Emperor Frederic II. is the one of 1226, which declares null and void all the consulates and other free governments of the cities of Provence. "Pervenit nuper ad notitiam nostram quod quarumdam civitatum, villarum et aliorum locorum universitates in comitatibus ipsis degentes proprio motu et voluntate constituerunt juridictiones, potestates, consulatus, regimina et alia quædam statuta, quæ ad suæ arbitrium voluntatis exercent; et cum jam apud quasdam . . . in abusum et pravam consuetudinem inoleverunt . . . nos ex imperiali auctoritate tam juridictiones, consulatus, regimina, potestates et statuta cætera per universitates civitatum inventa, atque concessiones super his, per comites Provinciæ et Forcalquerii ab eis obtentas, ex certa sciencia revocamus, et inania esse censemus." (Papon, *Histoire de Provence* t. ii., preuves, p. 50.)

sovereignty which is its essential privilege in the cities of Provence and Languedoc. The remark which is here made in the case of Dauphiny, is partly applicable to Lyonnais and Bresse; and such is the reason which has made me detach these three southern provinces from the region of the free municipalities under the consular government.

The movement of the communal revolution, originated in the north of France, and thence propagated over the territories of the empire, was stifled at Trèves,* in 1161, by the Emperor Frederic I.; there is no proof that it ever penetrated into the cities of Alsace. These cities, which for the most part hardly date beyond the twelfth century, acquired their free constitution piecemeal, by grants of the sovereign, and in accordance with a law of progress common to all the cities of Germany. The principle of their quasi-republican independence was not, as elsewhere, an enthusiastic spirit of reformation, a violent and successful struggle with the seigneurial power, but the exemption, legally obtained, from all jurisdiction except that of a delegate of the emperor, and the gradual change of the imperial officer into municipal magistracies. It is in this

* "Communio quoque civium Trevirensium, quæ et conjuratio dicitur, quam nos in civitate destruximus . . . quæ et postea, sicut audivimus, reiterata est, cassetur et in irritum revocetur, statuentes ne deinceps, studio archiepiscopi vel industria comitis Palatini reiteretur." (Hontheim, *Hist. Trevir. Diplomat.*, t. i., p. 594.)

manner that even inconsiderable cities, such as Haguenau, Colmar, Mulhouse, Schelestadt, Wissembourg, Seltz, and others of less importance, came to possess the right of a militia, and of the administration of justice in its highest departments, the right to raise taxes, to create magistrates, to make statutes of political organisation, to afford an asylum to refugees, to declare war and peace, and to form alliances even out of the empire. Similar municipal rights were accorded in the case of the imperial cities subject to the continual presence of a representative of the sovereign under the titles of count, prætor (*préteur*), provost (*prévôt*), and protector (*avoué*),* a strange combination, which is only found there, and which proceeded from the entirely federative nature of the German empire.† Another peculiarity of the municipal system of Alsace is, that, among the urban magistracies, many are hereditary fiefs, and that the *bourgeoisie* of the cities are composed of nobles and commons, between whom the administration is divided with sufficient equality, up to the middle of the fourteenth century: at a later period the plebeian classes gain the preponderance, and democracy prevails. This change, effected more or less completely in the course of struggles more or less vigorous, is the only

* It is by a contraction of the Latin *advocatus* that the German word *vogt* is formed.

† The cities, free and with a power of direct appeal to the emperor (*immédiates*), had, like the states of the empire, a place and deliberative voice in the diet.

revolutionary fact in the history of the cities of Alsace, with the exception of that of Strasbourg.

Strasbourg, which was the most ancient of these cities, the only one whose existence was traced to the times of the Romans, had a municipality of immemorial standing, the elements of which were absorbed in the temporal seigniory of the bishop. Even towards the end of the twelfth century, we find the corporation of the city limited to officers and noble vassals of the episcopal house, who formed a class of patricians and an hereditary senate. In the following century the first revolution took place; the municipality received au organisation distinct from, if not entirely independent of, the seigneurial court; there was a senate, whose election was annual, which was replaced by self-election, and taken according to proportions which varied, partly from the noble vassals of the bishop, and partly from the highest class of the *bourgeoisie*, properly so called.* After about a century and a half this aristocratic municipality was overturned by an insurrection

* "Statutum est ut duodecim vel plures, si necesse fuerit . . . . . tam inter ministeriales quam inter cives ponantur annuantim consules civitatis, inter quos unus magister vel duo, si necesse fuerit, eligantur." (Episcopal statute of the first years of the twelfth century, Grandidier, *Hist. de l'Eglise de Strasbourg*, t. ii., p. 37, note 1.) The word *consules*, in the Latin acts of the German municipalities, does not denote any imitation of the Italian cities; it is the simple translation of the word *Räthen*—counsellors. The title of the municipal magistrate was *Meister*, from which is formed *Stettmeister*, *Burgmeister*, &c. Senate and Council are the same thing.

of the middle and inferior classes of the *bourgeoisie;* a second revolution took place, and from it sprang a new municipal constitution, founded upon the political existence of corporations of arts and trades, which were called *Tribus,** and the number of which, at first variable, was fixed at twenty by a definitive statute. The administration of the law of the city was now confined to only two classes, the nobles and artisans; the *bourgeois* pursuing commerce and the liberal professions necessarily blended with the latter, by forming a part of one of the companies (*tribus*). The senate, or great council, was composed of thirty-one members, ten nobles, twenty plebeians, representing the twenty companies, and a head of the government (*Ammeister*†), who was of necessity a plebeian. These inferior colleges, having special privileges, and called the chambers of the thirteen, the fifteen, and the twenty-one, were similarly composed—one-third of nobles and two-thirds of plebeians.‡ Lastly, above all these powers, the council of the three hundred *échevins,*§ formed by the election of fifteen of its members by each of the twenty tribes, or plebeian sections of the community, was supreme, as invested with the municipal sovereignty. This singular municipal constitution, whose foundations were

* In German, *Zünfte.*

† By contraction for *Amman-meister.*

‡ They were called the three secret chambers, *die drey geheimen Stuben.*

§ In German, *Schœffen.*

laid in 1334, but which did not receive its final shape till 1482, existed up to the revolution of 1789.* The annexation of Strasbourg to France made no fundamental change.

Besançon, the capital of the county of Burgundy, or of Franche-Comté, a city of the empire beyond the countries of the German language, presents a leading example of the frequently strange effects of this political position upon the extension of the development of the municipal existence. When the emperors succeeded to the states of the kings of Burgundy,† they thought that the best means of securing to themselves that foreign possession was by giving the chief cities of the country in feudal tenure to the bishops, who thus became princes of the empire, invested with royal prerogatives and with the municipal autocracy in each city. Thus, at Besançon, the temporal power of the archbishop was absolute, both by right and in fact, up to the last years of the twelfth century. At that time the complaints of the citizens against the abuses of this

* Before the definitive constitutional charter of 1482, there were not less than sixteen organic statutes promulgated successively. Bodin, in his work *de Republicâ*, frequently mentions the constitution of Strasbourg, especially in the sixth book, ch. 4; but he is mistaken in saying that, in order to be a plebeian magistrate, it was absolutely necessary to follow a trade. He has confounded the description on the rolls of a *company* with the actual exercise of the trade of which that company bore the name.

† By donation of Rodolphe III., in favour of Conrad le Salique, husband of his niece, Gisèle.

power attracted the attention of the Emperor Henry VI., who, in order to ensure good order, and to regulate the seigniory of the archbishop, authorised the institution of a kind of jury to take part with the *seigneur* in the administration of justice, and the creation of an elective municipality, with the management of the police and charge of the city.* When put in possession of this first degree of independence, the *bourgeoisie* of Besançon did not stop; it proceeded to attack whatever remained of the ancient autocracy of the archbishop, and it succeeded. It assumed, by successive encroachments, the civil and criminal jurisdiction, the political

* "Si vero cives prædicti vel aliquis ipsorum civium coram archiepiscopo seu coram vicecomite seu majore fuerint accusati vel accusatus, vel quoquumque alio modo in judicio coacti vel coactus, capti vel captus . . . et in causa fuerit conclusum, ex tunc vocatis aliis civibus dictæ civitatis, dicti cives vel civis, per cives non inimicos et minus favorabiles, sed communes ad hoc specialiter electos, de prædictis civibus vel cive judicabunt, et quod judicatum fuerit per judicem coram quo fuerint convicti vel convictus, mandabitur executioni . . . . Volumus et concedimus ut custodia nostræ civitatis Bisuntinæ penes cives remaneat, ut eam custodiant et defendant pro nobis . . . . Liceat ipsis civibus de seipsis eligere meliores et discretiores, qui jurati regant et procurent negotia civitatis, prout faciunt cives et burgenses per regnum nostrum constituti." (Diploma Henrici VI., 1190. *Hist. de la Ville, Eglise et Diocèse de Besançon*, by Dunod, t. i., preuves, p. 53 and foll.) We observe that, at Besançon, there was nothing municipal in the title of mayor; it belonged, like that of viscount, to a feudatory officer of the archbishop; there were three courts of seigneurial justice in the city, two inferior ones, and one of appeal—the *vicomté* the *mairie*, and the *régalie*.

government within the walls, and the power of war and peace without. The whole of the thirteenth century was employed on this revolution, which was effected by means of a persevering determination, numerous insurrections, and defensive alliances with one or other of the great *seigneurs* of the country.* The imperial sovereignty was endangered by these confederations; the emperors believed that they could trace in them the interference of the King of France; they attempted to dissolve them, and to support the power of the archbishop by threatening edicts;† but the city refused to obey, placed itself under the protection of the Counts of Burgundy, and even dared to carry on a siege against the sovereign who refused to admit it as a free city, and entitled to be its own representative.‡ Under

* The city concluded treaties of alliance with John, count of Châlons, and William, sire of Apremont, in 1224 and 1225; with Hugo IV., duke of Burgundy, and his son, Eudes, count of Nevers, in 1264; with Otho, count palatine of Burgundy, in 1279; and with his brother, Hugo of Burgundy, in 1290.

† A letter addressed by Rodolphe I. to the citizens of Besançon, in 1277, contains the following passage: "Sicut ad culminis nostri pervenit notitiam, rex Franciæ, fermento persuasionis suæ, sinceritatem fidei vestræ molitur corrumpere, vos a fidei nostræ et imperii debito avertendo, et servitium sui secularis dominii accrescendo." (Chiffletii, *Vesontio Civitas Imperialis Libera*, t. i., p. 229.)

‡ In 1288, on the occasion of a league formed between the city of Besançon, the Count of Montbelliard, the sire of Ferrette, and other *seigneurs*, against the Bishop of Basle, who supported the Emperor Rodolphe.—There may be seen, in the collection Droz, of manuscripts of the Bibliothèque Impériale,

the influence of such powerful arguments, the emperors changed their policy; they no longer persisted in upholding the cause of the archbishop, but let the seigneurial rights pass from the prelate to the corporation, and be consolidated by prescription in the hands of the *bourgeoisie.** From the fourteenth century down to the second half of the seventeenth, though the archbishop of Besançon still remained nominally a prince of the empire, the city exercised all the powers which were originally attached to that dignity.

It is a remarkable thing that, during nearly five centuries, no change was made in the organisation of the municipal powers at Besançon. One and the same form of constitution was sufficient for the first commencement, and for all the after progress, of its political liberty, and the government established by grant of the Emperor Henry VI. continued up to the conquest of Franche-Comté, by Louis XIV. In the seven

Franche-Comté, Archives et Franchises des Communes, a great number of imperial acts of the thirteenth century, for the defence of the temporal power of the archbishops.

* See in the collection Droz, *Franche-Comté, Archives et Franchises des Communes*, a series of acts of the emperors, recognising, in their full extent, the rights acquired by the city, and declaring that the archbishops claim unlawfully to have the *seigneurie* of it. The first of these acts is that of Adolphe, king of the Romans, in 1296; the last, of the Emperor Maximilian, in 1503. In 1435, under the weight of an interdict denounced against them by the archbishop, the citizens entered into a composition with him; but they recovered their full liberty a short time afterwards.

quarters of the city termed *Bannières*, in consequence of each having its own flag and colours, the citizens chose every year twenty-eight *notables*, who, in their turn, named fourteen persons, two for each *bannière*, to form the magistracy of the year. These fourteen representatives, who were at first called *prud'hommes*, next *recteurs*, and last of all *gouverneurs*, were the ordinary council who conducted the municipal police and administration of justice; none of them possessed superiority over the others—all presided in turn. The fourteen magistrates on duty, together with the fourteen who had just quitted office, and the twenty-eight *notables* of the current year, composed the council of state representing the people, and invested with the sovereign authority. The meetings of this great council, which were only held for affairs of the highest importance, were publicly announced many days beforehand, together with the matters necessary for discussion. Its acts were regarded as the expression of the public will.* Under this

* See Dunod, *Hist. de la Ville, Eglise et Dioc. de Besançon*, t. i., p. 170. There is in the collection Droz an organic statute decreed, in 1544, by the twenty-eight *notables*, at the time of their election, and before they could have proceeded to that of the fourteen *gouverneurs* of the year. The following is the preamble of this act, which regulates the prerogatives of the municipal magistrates: "We, the twenty-eight of the seven *bannières* of the imperial city of Besançon, elected by the people of this city, and holding at present the entire administration of it, ... have, with the consent of the said people, and on their requisition . . . . appointed and ordained, and now appoint and ordain, for ever, the following articles." . . .

sober and moderate form of democratic government, there were developed in the city, which became continually freer, without becoming less united on that account, habits of sturdy independence, and a spirit of calm devotion to the general interest, which seems to have left its stamp in the inscriptions engraved on the tombstones of two citizens who died in battle in the thirteenth century.*

The city of Poligny, to which the rights of franchise and community† were guaranteed by a charter of the thirteenth century, was at first governed by four *prud'*-

(Biblioth. Imp. Collect. Droz, *Archives et Franch. des Communes*, t. ii., fol. 283.) By being annexed to the kingdom of France, the city of Besançon lost all its political privileges: the high municipal jurisdiction was transferred to the parliament.

* "Anno Domini M.CC.LXXIII, VI kal. Maii, interfectus fuit Johannes Gravius, civis Bisuntinus, pro libertate civitatis Bisuntinæ, gerendo ipsius civitatis negotia. Anima ejus requiescat in pace." (Chifflet, *Vesontio Civitas Imperialis*, &c., t. i., p. 227.) The second epitaph, translated in the same words, and placed in the same church, bore the name of Otho of Berne. Ibid., p. 226.

† This charter was granted in 1288 by Otho V., count of Burgundy. I use the word *communauté* in this place instead of the word *commun*, which is the one found in the charters of Franche-Comté :—*Et pour tel commun gouverner . . . . prædicti communis et franchisiæ. . . . .* This kind of municipality, which was not the *commune jurée* of the cities of the north, and which we must take care not to confound with it, cannot be indifferently called by that name. In the middle ages, the word *commune* had not, as I have already said, the generality of signification which it has obtained since the fifteenth century, and which still belongs to it.

hommes, annually elected, and having no jurisdiction beyond the police. In the fifteenth century it obtained the power of adding twelve councillors to its four original magistrates, and of administering justice in the inferior courts. Lastly, by a charter granted in 1525,* full powers of administration of justice was allowed to it; and a mayor, who took the title of viscount, as at Dijon, was placed at the head of the civic corporation, which was composed of two councils. Dôle and Salins experienced the same train of progress in their municipal constitution. At Monbelliard the common council was composed of nine master-citizens (*maîtres-bourgeois*), and of one elected as chief to preside over them. The mayor was an officer of the count, by whom he was nominated, and accredited to take his place with the municipal magistrates, but having only a consultative voice in the deliberations of the council. A singular instance of a community of immemorial existence is offered by the city of Pontarlier, which was united from remote antiquity in one common body, with twenty villages situated around it. These villages shared the rights of the city in the election of magistrates, and its liabilities in the expenses of the common administration.† All the inhabitants of this territorial *circonscription* were *bourgeois* of Pontarlier; they took the title of barons,

* By Marguerite, archduchess of Austria and countess of Burgundy.

† This administration consisted, in the sixteenth century, of a mayor, four *échevins,* and eight councillors.

and their community was named the *Baroichage;* that is, the Baronnage of Portarlier.* This name—joined to the right of self-government, and of having judges of its own appointment in the case of the population of a whole territory—displays a fact, if not unique, at least very rare, through the whole extent of France Proper, namely, the preservation, through the course of many centuries, of a remnant of the Merovingian institutions, of a hundred (*centaine*), together with its freemen, such as is presented to us by the legislative monuments of the first and second races.† As a general rule, the charters of privileges in the villages of the second order, and the boroughs of Franche-

* In the dialect of the country they used the word *barois* for *barons.* The charters of the thirteenth century have indifferently *bourgeois* or *barons* of Portarlier; we also find in them the formula *chevaliers et barons de Pontarlier;* and in this case the words *barons* has an inferior signification to *chevaliers*—it means the simple *bourgeois.* The union of the *baroichage* of Pontarlier was dissolved towards the middle of the sixteenth century: in 1537 the villages refused to pay their proportion of the expenses of the city, and pleaded before the parliament of Dôle for the separation of their interests, and the independence of their administration.

† An exactly analogous circumstance is met with in Belgian Flanders, where we find the *Franc de Bruges* and of other territories similarly constituted in a community of immemorial standing. The communes formed of many villages in virtue of a charter bearing a date, of which Picardy affords a special example, are of an entirely different nature. (See the *Histoire de Pontarlier,* by Droz, and Du Cange's *Glossary,* on the word *Centena.*)

Comté, do not ascend higher than the second half of the thirteenth century; the title of *échevins*—foreign to the province — does not appear till late, and the office of mayor still later; the municipal period does not extend beyond the limits which the Roman laws assign to it; lastly, the number of four magistrates, which almost universally prevails, seems, as I have already remarked, a type derived by tradition from the municipality of the Roman times.

I now come to provinces in which the municipal law belonged much more to periods prior to the twelfth century than to the renovation effected in that century, and continued to the thirteenth. The revolutionary movement, the tendency of which was everywhere to give to the *bourgeoisie* a part of the urban sovereignty, only produced some transient commotions in the great cities of Lyonnais and Dauphiny; it did not change the foundations of the traditional constitution, or establish new powers or new political liberties. After the period of litigation and struggle between the *bourgeois* and the *seigneur*, the amount of those liberties continued the same as in past times; but they were now guaranteed to them in a more secure and express manner by an actual compact, and by written agreements.

The most striking example in France of the uninterrupted continuance of Roman law is displayed by Lyons, in which the tradition of that continuance throughout the course of the middle ages appears most strongly impressed on its manners, its public acts and

documents of every kind. Invested at its origin with privileges which were conjointly designated by the name of *droit Italique,* this great city preserved them with a pious and courageous perseverance; at all periods of its existence it desired the maintenance of them, and, it is worthy of remark, that it never demanded more.* The most complete immunity of person and property, the exemption from all taxation beyond the municipal expenses, the right of forming a corporation which taxed itself, and administered its common funds by elected representatives, which watched over its own security by means of an urban militia, and managed the police of the streets and superintendence of trades, but was without criminal or civil jurisdiction: such are the liberties which the *bourgeoisie* of Lyons called its hereditary customs, and which it energetically defended against the temporal power of the archbishops, without encroaching upon the seigneurial sovereignty, without allowing itself to be hurried away by the example of the cities which, under the influence of the great movement of the communal revolution, had increased their civil liberty by political guarantees, and acquired, either in whole or in part, the right of juris-

* On the cities of the provinces which partook of the *jus Italicum, i.e.* of the right which, according to rule, would belong only to Italy, see the *Histoire du Droit Romain,* by Savigny (French translation), t. i., p. 49; the *Essai sur l'Histoire du Droit Français au Moyen Age,* by M. Charles Giraud, t. i., p. 94 and following; and the *Recherches sur le Droit de Propriété,* by the same author, t. i., p. 299 and following.

diction.* After a violent struggle between the *bourgeoisie* and the church of Lyons, which lasted more than a century, when a definitive pacification took place, nothing was stipulated for in the charter which sealed this peace, but the respect and perpetual maintenance of the customs which were said to date far beyond the memory of man.† The terms of this charter, granted in 1320 by the archbishop Peter of Savoy, are curious, and deserve to be quoted:—

"Considering that it is written in the old law of the philosophers, that the inhabitants of Lyons are among those who, in Gaul, enjoy the rights of the Roman law, we heartily desire, in a friendly spirit, to maintain our

* An agreement in the year 1208, between the citizens of Lyons and the archbishop, has the following expression:—*Juraverunt cives nullam conspirationem vel juramentum communitatis vel consulatus ullo unquam tempore se facturos*,—a remarkable form of expression, since it aims at the two forms of constitution introduced by the revolution of the twelfth century—that of the north and that of the south—the *commune* and the *consulat.*

† The appearance of the title of consul during this civil war may be urged as an objection to this account; but every thing seems to prove that the revolutionary government of the consulate was embraced at Lyons only from despair, and not from any real affection for the political rights inherent in that form of government. The insurgent city assumed it as the most energetic expression of its revolt, and resigned it as soon as sufficient guarantees for its immemorial constitution had been secured. At that time nothing remained of the consular system but the name, and the thing itself disappeared without leaving regret.

illustrious city of Lyons and its citizens in possession of their liberties, usages, and customs, and to testify more and more favour and grace towards them, to the glory of God, for the interests of the peace and tranquillity of the Church, the city, and the whole country.*

"The following are the liberties, immunities, customs, franchises, and usages of the city and citizens of Lyons, for a long time acknowledged . . . . .

"That the citizens of Lyons have power to assemble and elect counsellors, or consuls, for the despatch of the affairs of the city, to appoint *syndics* or *procureurs*,† and to keep a common chest for the preservation of their letters, privileges, and other subjects of public utility.

"Item, the said citizens of Lyons can impose taxes on themselves for the necessities of the city . . . . . .

"Item, the said citizens can mutually constrain one another to take up arms whenever necessity shall require it . . . . . .

* "Considerantes etiam in lege philosophorum veteri scriptum quod Lugdunenses Galli juris Italici sunt . . . ." (Charter of the archbishop, Peter of Savoy, *Histoire de Lyon*, by the P. Ménestrier, preuves, p. 94). This passage of the charter is in allusion to the Digest, Law viii., § 1, Paulus de censibus, where it is said, "*Lugdunenses Galli, item Viemenses in Narbonensi, juris Italici sunt.*"

† The following is the formula of procuration used in this case:—"Nos cives et populus civitatis Lugduni, more solito congregati, facimus et constituimus atque creamus nostros syndicos, procuratores et actores . . . ." (*Histoire de Lyon*, by the P. Ménestrier, preuves, p. 100.)

"Item, the citizens have had the custody of the gates and the keys of the city from the time of its foundation, and shall continue to have them.*

"Item, the citizens cannot be assessed or taxed, and never have been taxed by the *seigneur*† . . . . . ."

These rights, which were violated and disputed in the thirteenth century, only triumphed by means of the important assistance which was afforded by the kings of France, who made themselves the protectors and guardians of Lyons; and it was by the free will of its inhabitants that the city became part of the kingdom.‡ The restriction of the sovereignty of the archbishop within its ancient limits, and the subjection of his jurisdiction to an appeal to that of the king, formed the conclusion of the municipal history of Lyons, and the result of a struggle which had the aspect and the violence of the most revolutionary insurrections.§ It

* "Custodiam portarum et clavium civitatis habent cives a tempore creationis civitatis et habebunt." (*Ibid.*, p. 95.)

† "Cives non possunt talliari, vel collectari, nec unquam fuerunt collectati per dominum." (*Ibid.*)—The revenue of the archbishop consisted of the tolls, the *droits de mutation*, the charges for justice, and the fines.

‡ "Nos, supplicationibus civium Lugduni civitatis de regno nostro existentis favorabiliter annuentes, eosdem cives et eorum singulos sub nostrâ speciali gardiâ et protectione suscipimus . . . ." (Charter of Philippe le Bel, in the year 1292; *Histoire de Lyon*, by P. Ménestrier, preuves, p. 99.)

§ See, together with the *Histoire de Lyon* of P. Ménestrier, the two publications entitled *De la Commune Lyonnaise*, by M. Auguste Bernard, and *l'Hôtel de Ville de Lyon*, by M. Jules Morin.

was during this struggle that the traditional government of the municipal party, the Council of Fifty (*la cinquantaine*), the shadow of the senate of the Roman times, concentrated itself, in order to act more effectively, in a small council of twelve persons, which, after the peace was concluded, maintained a separate existence, and the members of it, by a sort of eclecticism between the systems of the north and the south, received indiscriminately, besides the name of counsellors, that of consuls, or *échevins*.* But this consulate was not to be compared with that of the cities of Provence and Languedoc, since it did not possess the administration of justice either in the upper or inferior courts. The jurisdiction remained entire in the hands of the archbishop; the city never claimed a share of it; it only wished that the right of the administration should remain in the hands of the prelate, to the entire exclusion of the chapter. On this point the public spirit of the inhabitants of Lyons, true to the spirit of the Roman law, showed itself energetically opposed to the

* In all the charters confirmative of that of 1320, and especially in the charter of Pierre de Villars, granted in 1347, the municipality of Lyons is designated by this one term—the counsellors (*consiliarii*). The series of public acts, since the fourteenth century, presents the following titles:—*consuls, rectors, and governors, of the university of Lyons, counsellors for the direction of the police and common matters of the city, and counsellors échevins.*

practice of the piecemeal division of authority which characterised the feudal system.*

This constitution, which was derived by successive evolutions from the most ancient form of the municipal system, and into which nothing really new had been introduced, unless it were the concession of the right of election to the companies of arts and trades, was succeeded, towards the end of the sixteenth century, by a foreign constitution, namely, that of Paris, imposed on it by letters patent of Henri IV.† The college of twelve counsellors, equal in power, and presided over by one of themselves, was abolished, and in its place there were appointed a *prévôt des marchands* and four *échevins*, who received from usage the collective title of consuls.‡ With respect to the urban militia, it continued down to the revolution of 1789, forming, under the name of *pennonage*, companies, one belonging to each of the quarters of the city, whose particular standard it assumed. Thence, ascending by its traditions from century to century, we might trace its uninterrupted existence, even to the times of the Gallo-Roman municipality.

* "Item, juridictio temporalis Lugdini omnino dicta pertinebit semper et in omni tempore ad archiepiscopum Lugduni, et capitulum nullam juridictionem habebit." (Charter of Pierre de Savoie, *Histoire de Lyon*, preuves, p. 95.)

† Issued in the month of December 1594.

‡ In 1764 twelve municipal counsellors were added to the four *échevins*, and the *prévôt des marchands*; at Paris there were twenty-four.

The city of Lyons may, in a manner, be considered as the mirror from which the municipal law was reflected upon all the countries situated between Burgundy, Auvergne, and Dauphiny. This grand community, having the full enjoyment of civil rights, but limited in its political rights to that of self-administration, without possessing any jurisdiction, became the model which, according to their measure and importance, the greatest part of the cities down to the boroughs of Lyonnais, Forez, and Bresse, aspired to imitate. Their charters of immunities, whether obtained by free grant or by payment, in the thirteenth and fourteenth centuries, are remarkable for the distinctness and liberality of the guarantees which they afford for person and property. The number of four, the annual duties, and the direct election by the entire body of the *bourgeois*, form the general rule for the municipal magistrates, who are designated by all the titles successively or simultaneously in use at Lyons—*syndics, procureurs, conseillers, consuls, échevins.** One other peculiarity, due to the neighbourhood of the great city,

* At Montbrison the municipal body was formed of six persons. Bourg, in Bresse, had in early times two syndics, two *procureurs*, and twelve civic counsellors. In 1447 a general assembly of the inhabitants decided, that each year twenty-four *bourgeois* should be elected, charged with making a list of candidates for twelve places of counsellors, two of syndics, and four of auditors of accounts; these twenty-four *notables* were, besides, on the demand of the syndics, to be joined to the council on important occasions.

in which numerous civilians were formed by the practice of the law, is the spirit of Roman law, which breathes, if I may be allowed the expression, in the charters of franchises and customs, especially in those of Bresse. Many of these last provide, that if any case unprovided for in the charters should occur, it shall be decided by the custom of the neighbouring free cities, or, if the *bourgeois* prefer it, by the written law. Among the numerous charters of enfranchisement of the boroughs of Bresse, there is a sort of affiliation which is traceable to two or three models, which were reproduced one after the other, either without any variation, or with additions of more or less importance.* The compilation of these acts, as prepared for simple villages, is very superior to that which corresponds to them in the neighbouring territories of the northern division, and the formulas of the Roman law are found in them with a frequency and accuracy which we only observe in the same degree in the charters and written customs of Provence and Dauphiny.†

Vienne, the metropolis of this last province, the rival city of Lyons from early times, affords a second example of the same municipal destiny. We there see the Gallo-Roman constitution, in which the administration of the inferior courts of justice belongs to the civic

* See the *Recherches Historiques sur le Départment de l'Ain*, by M. de la Teissonnière, t. ii., p. 228 and following.

† See the second volume of the *Essai sur l'Histoire du Droit Français au Moyen Age*, by M. Ch. Giraud.

magistrates, and that of the superior ones to the imperial officers, changed under the influence of the privilege of urban sovereignty which was obtained by the archbishops, and so remaining without allowing an opportunity, at a later period, to the democratic movement of the twelfth century. At Vienne, as at Lyons, the charter of franchises which definitively prescribed the limits of the temporal power of the archbishop was not an act of concession, but the formal recognition of immemorial liberties. Only it is to be observed, that this recognition took place, not at the conclusion of protracted disturbances, but previous to any civil war.* In the arrangement of the respective rights of the archbishop and the community of the citizens of Vienne, the latter had in some respects less, and in other greater, privileges than those of Lyons. They had less, inasmuch as they did not possess the custody of the keys of the city; and greater, as they enjoyed an exemption from indirect as well as immunity from direct taxation.† The city of Vienne, like that of Lyons, had full liberty to tax itself; but being also, like it, without any jurisdiction, it possessed no means of compulsion with respect to the tax-payers, and it was necessary that the arch-

* Under the archbishop Jean de Bournin, between the years 1221 and 1266.

† "In primis, quòd quicumque habens Vienne domum non solvat Leydam vendendo vel emendo.—Item, habitatores Viennenses non solvant pedagium." (Confirmation of the privileges of the city of Vienne, *Ordonn. des Rois de France*, t. vii., p. 430.)

bishop should render them the assistance of his officers and his agents in the administration of justice.* Lastly, the municipal authorities at Vienne consisted of eight magistrates, annually elected by the whole body of the citizens. Their official title was *syndics* and *procureurs*, but they assumed, of their own choice, that of *consuls*, which, in the fourteenth century, became, in the south of France, the generic appellation of the urban magistrates, as the title of *échevin* in the north.

The city of Valence was one of the most agitated, and yet with the least effect, by the breath of the municipal revolution of the twelfth century. From the middle of this century we see confederations (*associations jurées*) formed against the temporal power of the bishops, confederations which, on two occasions, were dissolved and forbidden by decree of the emperors of Germany.† In spite of this formidable interference, a revolt of the citizens against the autocratic government

* "Item, quòd cives et habitatores Vienne predicti si facere voluerint collectam ad opus ville et pro necessariis ejusdem, hoc facere possint et valeant, et dictus dominus archiepiscopus consentire debeat et ibi illos qui solvere noluerint compellere teneatur." (*Ibid.*, p. 434.)—"Et, collectâ impositâ, ad requisitionem dictorum civium, dominus archiepiscopus administrabit duos badellos pro dictâ collectâ levandâ et executioni demandandâ." (Customs, franchises, and privileges of the city of Lyons, *Hist. de Lyon*, by the P. Ménestrier, preuves, p. 95.)

† "Cives communitatis nullum faciant juramentum, nec aliquam jurent societatem, sine arbitrio et consensu episcopi, et si fecerint, component pro penâ centum libras auri, medietatem imperiali fisco, medietatem episcopo." (Charter of the

of their bishop took place in the first years of the thirteenth century.* Appeased for the time by a compromise, it was followed, within twenty years, by a more violent insurrection, which compelled the bishop to quit the city,† and gave birth to a curious form of revolutionary government,—two magistrates, a *recteur,* invested with full powers, except that of jurisdiction, and a judge strictly confined to judicial duties, were created. They had counsellors elected as their assessors, and a public crier placed at their orders. A vast building was used for the meetings of the municipal magistrates and the people, which was called the Hall of the Fraternity, from the name assumed by the confederation of the citizens, who all possessed the right of suffrage.‡ This government did not last long, and while the bishop, on quitting the city, was employed in collecting troops

Emperor Frederic I., in the year 1178. *Essais Historiques sur la Ville de Valence,* by M. Ollivier, p. 242.)—"Prohibemus ne aliquâ occasione civibus Valentinis licitum sit inter se aliquam communem jurare societatem, vel aliquando contra aliquem vel aliquos ordinare conspirationem, nisi id specialiter de arbitrio et consensu ipsius episcopi." (Charter of the Emperor Philip II., in the year 1204; ibid., p. 243.)

* In the episcopate of Humbert de Meribel, which commenced in the year 1199.

† William of Savoy, whose episcopate commenced in 1226.

‡ *Histoire Générale de Dauphiné,* by Chorier, t. ii., p. 107. In a charter granted, in the year 1212, to the city of Sisteron by the Count of Forcalquier, we find: "Consulatum confirmo vobis et ratum facio in perpetuum . . . . Item confratriam vestram confirmo." (See the *Histoire de Sisteron,* by M. de Laplane, Appendix.)

to besiege it, powerful parties interposed, the dispute was referred to arbitration, when it was decided that the hall of the *confrérie* should be razed, that no municipal meeting should take place without the authority of the bishop, and that the citizens should pay him a fine of 6000 marks.*

This treaty of peace was concluded in 1229, and at that time the inhabitants of Valence were again placed under the episcopal autocracy, modified by their traditionary franchises. In the fourteenth century they were enabled to get the latter reduced to writing, with promises of their maintenance, but without political guarantees, and almost without municipal organisation.† These franchises, purely civil, were the same as those of Vienne, affording them, together with liberty of person and property, exemption, not only from all direct taxation, but from all indirect.‡ Valence, however, con-

* *Histoire Générale de Dauphiné*, by Chorier, t. ii., p. 108.

† See the *Essais Historiques sur la Ville de Valence*, by M. Ollivier, p. 62 and following.

‡ "Item, plus ultra hec consuetudo est in civitate Valencie, burgo et suburbiis ejusdem, et usus longevus à tanto tempore observatus quòd in contrarium memoria hominum non existit, quòd nullus burgensium, civium, incolarum et habitantium ejusdem, tenetur ad solucionem alicujus layde, emendo, vendendo, neque alicujus vectigalis sive pedagii, in civitate Valencie.—Item, quòd nulla taillia, angarum, proangarum, seu aliud tributum vel subsidium, quandocumque eis imponi potest neque debet vel alia quævis collecta seu exactio." (Confirmation of the privilege of Valence, *Ordonn. des Rois de France*, t. xix., p. 193.)

tinued to think that such rights were not sufficient, or that they were precarious while there was no municipal power capable of defending them. It never rested till it had obtained, under the protection of the King of France, become Dauphin of the Viennois, a certain shadow of that power,—an example which shows, in the most striking manner, what part we ought to assign to the desire of political liberty in the revolutions of cities in the middle ages. In the year 1425,* the citizens of Valence acquired in this respect some very reasonable rights, which they never lost. They were permitted to rebuild their common hall, and to assemble to the number of twenty-four persons, without the permission of the bishop or the presence of his officers.† The custody of the city keys was declared to belong to them when the bishop was not in residence. This personage, on his appointment, and all his officers on entering upon duty, were to take an oath on the four gospels to protect, and see protected, the franchises, liberties, usages, and customs, of the city, borough, and *faubourgs*.‡

* By an agreement with the bishop, John of Poitiers.

† "Item, quòd, quocienscumque de negociis communibus ejusdem civitatis est tractandum, congregari et convenire possint licite in domo communi ejusdem civitatis vel alibi, de burgensibus, civibus et habitatoribus ejusdem, usque ad numerum quater vigenti, etiam si pluribus vicibus et frequenter ac diverse persone eorumdem in diversis congregacionibus hujusmodi successivè conveniant, et ibidem de eisdem negociis liberè tractare et disponere prout eis videtur opportunum." (*Ordonn. des Rois de France*, t. xix., p. 194.)

‡ *Ibid.*, p. 193.

Lastly, the municipal body, few in number, and without jurisdiction, was composed of syndics and counsellors, commonly called consuls, a secretary, and a *Mandeur*, an officer charged with issuing the orders for service to the urban guard, and giving notice to the magistrates of the time when they would have to meet in council.*

VI.

It is in the series of the municipal charters of Die that we find the greatest amount of information, enabling us to fix the extent of the immemorial liberties which, in the case of the cities of the south of France, are derived from a twofold tradition, namely, that of the Gallo-Roman municipality, and that of the Gallo-Frank of the times of the second race.† To judge of it by the charters of Lyons, Vienne, and Valence, this municipal system seems reduced to the mere rights of governing and guarding the city, without any right of jurisdiction, either assumed by force or voluntarily conceded; but this appearance is only produced by the scarceness of documents, or the rule is not general. At Die, on the contrary, an

* "Syndicos et consiliarios, secretarios, et mandatores nominare." (*Ibid.*, p. 194.)

† On the privilege of *immunité*, that is to say, of urban sovereignty granted by the kings and the Frankish emperors to the bishops, see the *Considérations sur l'Histoire de France*, chap. v.

ancient municipal city and an episcopal seigniory, an immemorial right of jurisdiction is recognised in the city, not only in the case of the non-payment of the municipal dues, and of refusal or neglect of service in the urban guard, but also in the case of every crime and offence committed by a citizen on guard during his hours of duty, with the exception of homicide and adultery.* The authentic proofs of this fact

* "Si vero contingat quod aliquis seu aliqui civium Diensium, tam de majoribus quam de minoribus, nollet seu nollent solvere, aut occasionem aliquam inveniret seu invenirent quod non persolveret seu non persolverent pecuniam taxatam seu levatam, vel talliam aut taxationem quæcumque facta seu taxata fuerit, possunt et debent sine injuria aliqua, absque licencia alicujus domini . . . . Alterum concivem suum seu concives suos, tam meliores quam minores, quam etiam mediocres, auctoritate propria pignorare et pignus seu vadium vendere, alienare, aut pignori obligare, usque quo persolverit seu persolverint.

"Et similiter si aliquis seu aliqui civium Diensium non voluerit seu noluerint esse vigil sive serchia, vigiles sive serchie, arcubius sive arcubii, gachia seu gachie, vel non vult seu nolunt facere, possunt et debent dicti cives . . . . quemlibet auctoritate propria pignorare, et penam quam voluerint eisdem ponere, et pro pena pignus suum ponere et retinere vel vendere aut pignori obligare, usque quo satisfecerit et persolverit, vel satisfecerint et persolverint perfecte.

"Si autem aliquis vigil seu serchia, aut aliqui vigiles seu serchie, vigilando aut eundo per civitatem, custodiendo vel serchiando civitatem, aut aliquis gachia, aut arcubius, seu aliqui gachie vel arcubii faciendo gachiam, vel aliquis civis Diensis predicta faciendo seu exercendo, vel aliqui de predictis aliquid forefecerint, seu in aliquo deliquerint, seu delictum aliquod, seu forefactum fecerint, non potest nec debet propter

are very valuable, because they enable us to infer the self-same fact in the case of other cities of the southern provinces, in which it is otherwise impossible to establish it, either from the want of original documents, or because the introduction of the consular constitution, together with its full jurisdiction, or, at least, with that of the inferior courts, throws some doubts upon the antiquity of the partial rights which it absorbed, while it enlarged them, and induces us to suppose that all the degrees of the municipal jurisdiction date from the same period, and proceed from the same origin. It is curious to follow, in the numerous fundamental statutes of the city of Die, as in the municipal history of Lyons, the destiny of a traditional constitution, which maintains itself, although exposed to violent pressure, on the one side, from the ambition and jealousies of the seigneurial power, and, on the other, from the passion for self-government which, in the twelfth and thirteenth centuries, spread from city to city the example of the revolutions which were commenced for the establishment of the Consulate.

hoc per nos vel per nostram curiam puniri in aliquo, nec etiam condemnari, nec aliquid inquirere, nec aliquam inquisitionem facere contra eum possumus nec debemus, sed in juridictione sui prefecti sive mandatoris, seu mandatorum suorum debet esse, nisi homicidium seu adulterium fecerit, in quo casu secundum consuetudinem nostre curie punietur." (Charter granted by the bishop Didier, in 1218; copy made in the archives of the department of Drôme for the collection of unpublished monuments of the history of the *Tiers Etat*.)

It is a remarkable circumstance that, in the first charter acknowledging and confirming the immemorial franchises of Die, a charter which was granted in 1218, and was a compromise between the citizens and their bishop, after a quarrel of which we possess no historical detail, the title of consul is found joined with those of *syndics* and *procureurs*.* Is this a sign of tolerance towards a designation which, introduced at first with the revolutionary changes which it expressed in the twelfth century, had lost all its offensive signification in the eyes of the ruling party by the abandonment of those constitutional reforms? or, did this promiscuous use of the new title and the old names of the municipal magistrature, which we observe in the cities of Lyonnais and Dauphiny beyond the middle of the thirteenth century, exist at Die before 1218?† However this may be, the quarrel between

* "Confitemur etiam et in veritate recognoscimus, nos predictus Desiderius episcopus, nomine nostro et successorum nostrorum, de voluntate predicti capituli quod cives Dienses vel saltem major pars civium Diensium, usi sunt et consueti fuerunt, per magnum tempus ita quod non extat memoria, eligere, facere, creare, constituere, seu ordinare et per se ipsos confirmare, consules, syndicos, vel actores, seu procuratores, quandocumque eis placet vel placuerit, et quandocumque eis necesse est vel fuerit." (Charter of the bishop Didier, art. 10).

† The first supposition seems confirmed by an article of the same charter, which acknowledges in the inhabitants of Die the right, not only of building ovens and mills, but also towers on their properties: *Et etiam quilibet habitat in dictâ civitate et suburbiis ejusdem potest et debet turres, furna et mo-*

the bishop and the citizens having been at that time appeased, was renewed in a more violent manner about the year 1245; an insurrection resulted from it, the result of which was probably to transfer to the civic body a share of the temporal jurisdiction of the bishop. A fresh compromise by arbitration put an end to the civil war, when a pardon was declared for all injury committed during the troubles, and matters were replaced on the same footing as they were before.* At the end of this peace, in 1246, a general compilation of the liberties and privileges of the city of Die was prepared by common agreement to serve as law to the city. According to the provisions of this code, which was compiled from the ancient charters and unwritten customs, the municipal authority was still limited to its traditional duties, the police, the public ways and buildings, the guard and fortifications of the city. But a right which, if not new, was at least announced for the first time in its full force, was now recognised—that of modifying the present statute, and forming others

lendina facere, seu edificare et reparare .... quotiescumque ei placuerit et quandocumque ei placuerit, dum in suo faciat seu edificet. (Ibid., art. 7.)—The custom of building houses flanked with towers in the cities was introduced from Italy with the consular constitution.

* "Item, mandaverunt quod de omnibus malefactis que facta sunt a tempore cœpte guerre sit pax et finis inter utramque partem et valitores et adjutores eorum." (Peace concluded by arbitration between the bishop, Humbert IV., and the citizens of Die, 1245, art. 20; copy made in the archives of the department of Drôme.)

from it, not only relative to the urban administration, but also to the practice and constitution of the temporal court of the bishop.* In this way the civic body, though almost entirely deprived of jurisdiction, enjoyed the legislative power concurrently with the seigneurial court,—a circumstance which, in spite of its eccentricity, is not without analogous instances in the municipalities of the middle ages. We cannot say whether the troubles which subsequently took place resulted from the conflicts of authority produced by this distribution of power; but before the end of the thirteenth century a new civil war burst out, which was followed by a fresh agreement, by an amnesty for the outrages committed by the citizens, and by the most solemn engagements on the part of the bishop for the maintenance of the municipal privileges.†

* "Item, statuerunt quod ipsi syndici, seu actores, vel procuratores, vel quicumque syndici, consules vel actores, vel procuratores electi fuerint in Diensi civitate in futurum, possint et debeant statuta nova facere et ordinare, corrigere et emendare ista statuta presentia pro libito voluntatis, tam super factis et ordinationibus curie Diensis quam super factis et ordinationibus Diensis civitatis, quandocumque eis placuerit faciendum, retinuerunt sibi plenariam potestatem." (Statuta civitatis Diensis, art. 20; Archives of Drôme.)

† "Item, omnes offensas factas per cives et clericos tempore guerre facte per predecessorem nostrum, vel ante guerram vel post, exceptis homicidiis commissis, nec non et damna infra civitatem Diensem predictam vel in territorio nostro ejusdem per predictos nostros cives et clericos, predicto predecessori nostro et terre episcopatuum nostrorum illatos et illate.'

If the effectual establishment of the consulate is obscure and doubtful in the case of the city of Die, it is certain that Gap, anciently placed under the same municipal law as Die, Valence, and Vienne,* was gained over in the first quarter of the thirteenth century by the great revolutionary movement, which at that time extended to all the cities of Provence. For the purpose of revolting against its bishop, it took advantage of the embarrassment in which he was involved by the quarrel of Frederic II. with the Pope, and by the resentment of that emperor against a great part of the clergy; it inaugurated within its walls the new constitutional reform, by which the magistrates elected with the title of consuls were invested with full political powers, with the right of direct and indirect taxation, with the absolute military command, with the possession of a municipal territory, formed or enlarged at the expense of the episcopal property; lastly, with the full and complete jurisdiction in the city and over the lands in its precincts.† In consequence of this constitution, the work

(Charter of the bishop, William of Roussillon, 1298, art. 9 ; copy taken in the archives of the department of Drôme.—Ibid., art. 7, 8, and 15.)

* A diploma of the Emperor Frederic Barbarossa, dated 1180, confirmed the grant formerly made by the emperors to the bishops of Gap, of the right to the vacant preferments and the lordship of the city. (See the *Histoire de Dauphiné*, by Valbonnais, t. i., p. 251.)

† The rights of the consulate of Gap are enumerated in an act which accompanied its abolition, and by which these rights,

of the popular will, which took the place of the ancient traditional government, the immemorial rights of the

taken away from the city, were divided between the bishop and the Comte de Gapençois, son of the Dauphin Humbert I.: —"Imprimis super consolatu prædicto et ejus jurisdictione ordinamus, quod dictus consolatus et jus civaeri, bladorum, leguminum et aliorum, prout et de quibus soliti sunt præstari, libragium herbæ; ac salinagium, quod olim dicebatur esse de juribus consolatus prædicti et percipiebatur ac tenebatur a consulibus, dum ipse consolatus per consules regebatur, necnon et medietas territorii Montis Alquerii, jurium et pertinentiarum ejusdem, cum mero et mixto imperio jurisdictione omnimoda, pertineant et pertinere debeant ad præfatum dominum comitem, et ejus in perpetuum successores. . . . .—Claves vero portarum civitatis Vapinci, quarum custodia sub certa forma olim erat consulum prædictorum, omnino pertineant et pertinere debeant ad dictum dominum episcopum et successores ejusdem. . . . .—Præconsationes vero quælibet fiant solum in civitate prædicta nomine ipsius domini episcopi et successorum suorum, et de cætero in solidum pertineant ad eosdem.—Costellus etiam qui similiter pertinere olim ad dictos consules dicebatur, sit ipsius episcopi et ad ipsum solum pertineat et pertinere debeat in futurum. . . . .—Mandatarii quoque in civitate prædicta, qui olim a dictis consulibus ponebantur, per eundem dominum episcopum solummodo eligantur de cætero et ponantur. . . . .—Banna vero civitatis et territorii Vapinci ad eosdem dominum episcopum et comitem similiter pertineant, et inter ipsos communiter dividantur, et bannerii sive custodes ab ipsis vel eorum locum tenente communiter deputentur. . . . .—Super cognitione quidem ac definitione realium questionum, quas moveri contingeret de cætero super domibus et possessionibus quæ in dicta civitate Vapinci vel ejus territorio tenentur sub dominio seu seigniorìa domini comitis supradicti, ordinamus præcipimus et mandamus in posterum observari, quod jurisdictio, cognitio, ac deffinitio quæstionum,

civic body were absorbed in the new prerogatives which it received by its usurpation of the seigneurial authority. All intervention of the bishop in the municipal government became nul in law, as well as in fact, and this might appear an advantage; but, by way of retaliation, the claims of the city to its former share of immunities and privileges were nonsuited in the same manner, and this was an evil which they had eventually to regret. When, after the defeat and ruin of the consular government, they wished to fall back upon the ancient right, and to reclaim it as such, they were no longer able to do so; it had perished in the same shipwreck as the revolutionary institution, whose object was at the same time to recover and enlarge it. The victorious party was unwilling to recognise it, preferring that everything should remain unsettled, and waiting for the best opportunities which some ulterior transaction might offer.

The early existence of the consulate of Gap was prosperous, and the absolute authority which it exercised in the city was sanctioned in 1240 by a charter of Frederic II., by which its liberties, its jurisdiction, and its lands, were confirmed to it.* This supreme sanction

hujusmodi, et latæ, ac quidquid emolumenti ex eisdem quæstionibus, vel ipsarum occasione provenerit, ad præfatos dominos episcopum et comitem debeant communiter pertinere."—(Sentence of arbitration delivered in the year 1300; Valbonnais, *Histoire de Dauphiné*, preuves, t. i., pp. 54, 55.)

* The terms of the imperial iploma are now lost, but there remains an extract in the cartulary of the Hôtel de Ville of

of the system, which was produced by a revolution, was, in the case of the inhabitants of Gap, the reward of the promise which they had made to render all the duties of homage and service to the empire; their city was thus raised to the position of a free town, independent of any intermediate lord, according to the German law. But less than ten years after, this independence being no longer supported by the protection of the imperial power, became less secure and difficult to be upheld.* The bishop, who had been dispossessed by the city of his temporal seigniory, negotiated with a foreign state, and sought assistance capable of co-operating with him towards the re-establishment of his power. In the year 1257, he concluded with the Dauphin, the Count of Vienne and Albon, an offensive and defensive treaty of alliance, in which the two contracting parties divided between themselves beforehand all the rights of the consulate and the lordship over the city.† This treaty, the execution of which remained in suspense, for reasons with which we are not acquainted, during the life of the Dauphin Guigues XII., hung as a continual menace over the head of the

Gap, entitled "*Livre Rouge.*" (See the *Histoire de Dauphiné*, by Valbonnais, t. i., p. 251.)

* The dispute between the Papacy and the Empire, together with all its political effects, ceased in 1247 with the death of Conrad IV., son and successor of Frederic II.

† See the *Histoire Générale de Dauphiné*, by Chorier, t. ii., p. 136 and following.

citizens. In order to deliver themselves from it, and to anticipate the renewal of a similar agreement between the heirs of Guigues XII. and the bishop, they took a resolution which, though strange in appearance, was not without adroitness. It was to renounce on their own part all the rights of the consular government, and to transfer them by a formal donation to the widow of the Dauphin, as guardian of his children, who were minors. They reckoned, not without grounds, that that alienation would not be literally accepted; that it would not take effect except in the assertion of prerogatives which might be of benefit, and in the exercise of the last appeal in matters of justice, while the magistracy of the consuls, and the essential guarantees of the municipal liberty, would be still allowed to exist. The deed of this donation was prepared on the 11th of December, 1271, in a general assembly of the inhabitants of Gap.* All took place as was expected; no

* "Notum sit omnibus præsentibus et futuris, quod dominus Hugo Macea miles, et Jacobus Martis consules universitatis hominum de Vapinco, et ipsa universitas ibidem præsens ad parlamentum per sonum campanæ more solito ad infra scripta specialiter prædicti homines et consules convocati. . . . Prædicti quidem consules nomine suo et universitatis prædictæ, et ipsa universitas ibidem præsens, et motu proprio et spontanea voluntate, et ex certa scientia donaverunt donatione simplici et irrevocabili domino Alamando de Condriaco et Johanni de Goncelino judici comitatus Viennæ et Albonis præsentibus et recipientibus nomine dictæ comitissæ, pro dictis liberis suis, et ipsorum liberorum nomine et ipsis liberis, consulatum civitatis Vapinci, cum omnibus juribus et rationi-

change was made, except that the city passed nominally under the seigniory of the heirs of the Count of Vienne. The bishop, Eudes II., deceived in his political projects, sought for other assistance, and while awaiting the effect of his new negotiation, he conformed to circumstances, and recognised in full the powers of the consulate, subject to the condition that the number of consuls should be increased from four to five, and that one of them should be annually elected from the members of the cathedral chapter.*

The Count of Provence and Forcalquier, formerly suzerain of the city of Gap under the sovereignty of the empire, was the person to whom the bishop, Eudes, appealed for aid, promising to do him homage for his temporal seigniory, if he were re-established in it by his means. The *sénéchal* of Provence, in the name of the Count Charles of Anjou, who had lately gone into Italy, accepted the offer of the bishop, and promised to supply him with assistance against the citizens who had revolted from his authority.† This compact of

bus et pertinentiis ad ipsum consulatum spectantibus, sive illa jura consistant in bannis, justitiis, censibus, civaeyriis seu in quibuslibet aliis rebus et bonis." (*Histoire de Dauphiné*, by Valbonnais, preuves, t. ii., p. 92.)

* Treaty of peace concluded the 19th of January, 1274, between the bishop, Eudes II., and the city, in the Archives of the Hôtel de Ville of Gap, the original in parchment in the chest, side A, and copy in the bag, side B.

† "Notum sit præsentibus et futuris, quod venerabilis pater dominus Oddo episcopus Vapincensis requisivit nobilem virum

vassalage on one part, and of protection on the other, remained dormant till the year 1281, when a quarrel, more violent than ever, between the city of Gap and its bishop, determined the latter, who had been put into prison by the citizens, to demand a prompt and efficient protection from the Count of Provence, who was become King of the two Sicilies. In order to interest him more strongly in his cause, the bishop made the same treaty of division as he had made with the Dauphin Count of Vienne, in 1257. The Prince of Salerno, son of the King of the Two Sicilies, quitted Provence with his troops, marched on Gap, and made himself master of it by capitulation, in 1282. The seigniory, which thus became his by conquest, was divided, according to the previous treaty, between him and the bishop, a revolution which this time enforced the political depression of the municipal government, and was intended to reduce it to the strictest limits of the urban administration.* But after the departure of

Guillelmum de la Gonessa senescallum regium in comitatibus Provinciæ et Forcalquerii, quod cum terra ecclesiæ Vapincensis sit in comitatu Forcalquerii, quod deberet eum et ecclesiam Vapincensem juvare et deffendere contra homines Vapinci, qui contra ipsum et ecclesiam memoratam rebellaverunt, nolentes ei ut consueverant obedire. Et aliqui ex eis donaverunt et concesserunt de facto, cum de jure non possent, nobili dominæ Beatrici comitissæ Viennæ et Albonis, et filiis ejus, consulatum Vapincensem qui consulatus ab ipso episcopo et ecclesia tenebatur." (Charter of the 19th December, 1271, *Histoire de Dauphiné*, by Valbonnais, t. ii., preuves, p. 93.)

* Treaty of capitulation between the city of Gap and the

the prince, the treaty of division became a dead letter in the eyes of the Bishop of Gap, who secured to himself the entire rights hitherto belonging to his seigneurial power. A long quarrel ensued between him and the Count of Provence on this subject, in which the Papal authority interposed without success, and which was complicated by a difference not less important with the family of the Counts of Vienne. In effect, this family refused to renounce the rights which it had received from the donation of the citizens of Gap, and asserted that, in default of the city itself, none but one of its own members was entitled to possess the jurisdiction and the revenues of the consulate. It appears that the danger became more urgent on this side than on that of Provence, for at the end of the thirteenth century the bishop, Geoffrey of Lansel, gave way, and under the mediation of umpires concluded a new treaty for the division of the superior lordship of the city with John, count of Gapençois, son of the Dauphin Humbert I. All the dues of tolls and markets, hitherto collected by the consuls, all departments of justice over a part of the precincts, and a share of the civil jurisdiction within the walls, were given to the count; the bishop retained the supreme power in criminal cases, the right of issuing ordinances and proclamations, the custody of the keys, and all the police of the city.* In this act, which did

Prince of Salerno: Archives of the Hôtel de Ville of Gap. (*Livre Rouge*, p. 175.)

* "Dudum inter venerabilem patrem dominum Gauffredum,

away with the last existing remains of the consular government, an indemnity was stipulated for in behalf of the chapter of the cathedral, in compensation for the advantages which they had till then derived from the election of one of its members as consul, on each renewal of the consulate.*

Every seigniory divided between two seigneurs had a tendency, from the natural course of things, to become concentrated in the hands of the one who was nearest, and to be merely nominal in the case of the other, however powerful he might be in other respects. This change was experienced in less than half a century in

Dei gratia episcopum, et capitulum Vapinci ac universitatem hominum de Vapinco ex parte una, et egregium virum dominum Joannem magnifici viri Humberti Dalphini Viennensis, comitis Albonis, dominique de Turre primogenitum, Vapincesii comitem ex altera; super consolatu civitatis Vapincensis et ejus jurisdictione, necnon et super medietate territorii Montis-Alquerii olim ad consolatum ipsum, sicut dicitur, pertinente...suscitatis quæstionibus variis et diversis." (Sentence of arbitration delivered September 5th, 1300, *Hist. de Dauphiné*, by Valbonnais, t. i., preuves, p. 53.)

* "Ad hæc, cum de capitulo ecclesiæ Vapincensis semper unus canonicus eligeretur in consulem annis singulis ab antiquo, ne ipsum capitulum, quod absque sua culpa ex ipsius consulatus depressione suum perdit honorem, commodo privetur omnino, mandamus, ut in hujusmodi recompensationem honoris, prædictus dominus episcopus triginta solidos turonenses in annuis redditibus, et præfatus dominus comes totidem eidem capitulo in sufficientibus et idoneis possessionibus sive feudis assignent." (Sentence of arbitration delivered the 5th September, 1300, *Hist. de Dauphiné*, by Valbonnais, t. i., preuves, p. 54.)

regard to the government of Gap, and that city fell again, as formerly, under one effective domination, namely, that of its bishop. But the municipal right of early times no longer existed to serve as a check to the seigneurial authority; the city had renounced it, of its own accord, when it adopted the consular form of government, and now, when it demanded again the advantage of the traditional government, it was resolutely refused. This was the cause of new troubles, but before the war broke out between the citizens and the bishop mediators interposed, and decided in favour of their demand for their immemorial franchises. In 1378 the bishop, Jacques Artaud, found himself compelled to accept, whether he would or not, a decision of arbitration, by which he was obliged to allow, in writing, the ancient customs of the city, and to promise the observance of them under authority of law for himself and his successors.* The deed, which was

* Among these umpires, four in number, were three ecclesiastics and one civilian: *Videlicet in reverendum patrem in Christo fratrem Borelli, inquisitorem, ac venerabiles viros dominos Stephanum de Gimonte canonicum Vapincensem, Petrum Torchati, capellanum domini nostri Pape canonicum sistaricensem officialem Vapincensem et nobilem Jacobum de Sancto-Germano jurisperitum....* (Agreement of May 7, 1378, between the bishop, Jacques Artaud, of Montauban, and the city of Gap; Archives of the Hôtel de Ville, the original in parchment, and the copy in the red book.) "Inter alia sententialiter ordinaverunt, pronuntiaverunt et arbitrati fuerunt quod dictus dominus episcopus ante omnia super libertatibus, immunitatibus, privilegiis, exemptionibus, franchesiis atque consue-

solemnly prepared, became the great charter of the city of Gap; but, differently from those of Vienne, Valence, and Die, quoted above, this charter had less the character of a pure and simple declaration of rights than of a party transaction. Previously to the twelfth century the municipal rights of Gap were, beyond doubt, identical with those of the neighbouring cities; but in the compilation of 1378 they are dissimilar and inferior on two fundamental points: the elections, when made by the city, required the confirmation of the episcopal judge, and the superintendence of the duty of the urban guard belonged to the officers of the bishop.* In every other respect the charter of Gap is

tudinibus quantum cum Deo sibi esset possibile recognosceret bonam fidem. . . . . Quas quidem libertates, exemptiones, immunitates atque franchesias sic exacto multo tempore recollectas, examinatas et discussas et in scriptis redactas dictus dominus episcopus ibidem obtulit dicens asserens suo medio juramento secundum Deum et conscienciam suam fideliter et integraliter eas et ea recollexisse et examinasse et in scriptis nunc per eum oblatis redigi fecisse. . . . . Volentes et decernentes sub pena centum marcharum in compromisso et sententia compromissi contenta quod inter partes prædictas et eorum quoscumque in perpetuum successores de cetero vim, robur, auctoritatem efficacissimam habeant et deinceps habeant vim et nomen statuti intransgressibilis." (Ibid.)

* "Quod dicti cives possunt et consueverunt se in unum, tempore et locis idoneis, congregare et ibidem facere, creare et constituere procuratores et sindicos pro eorum negociis exercendis . . . . nec non operarios pro fortificatione civitatis consiliarios et prosequutores suarum libertatum, concilia facere, et tallias facere, et indicere pro suis negociis utiliter procurandis et exercendis . . . . dum tamen in confirmatione sindicorum

almost the same as the statutes with which we are concerned. With regard to the titles of the municipal magistrates, this charter only grants those of *procureurs, syndics, and counsellors;* the title of consul seems purposely omitted as unsuitable, from the nature of its origin, and as expressive of rights and powers which were no longer in existence; but it was retained in practice, and even reappeared in the fifteenth century in the wording of the official acts.

At Embrun, as at Gap, the consular government was established in its full extent at the beginning of the thirteenth century. The citizens maintained, in defence of this revolution against their two seigneurs, the Dauphin and the archbishop, unsuccessful wars, which were only brought to a conclusion by the surrender of all the liberties which they had recently acquired.* The consulate of Embrun, similar, as it seems, to that of Gap in its constitutional prerogatives, had a shorter duration; it was abolished in 1257, and since that period nothing is seen in its place but a civic body, without

interveniat judicis decretum." (Agreement of May 7, between the bishop, Jacques Artaud, of Montauban, and the city of Gap, art. 31 and 32). "Item, quandoquidem cives vel incolæ dictæ civitatis per conrearium vel quoscumque domini mandantur pro faciendis excubiis quæ vulgariter nuncupantur sercha et non veniunt seu deficiunt quod non possit ab ipsis exigi nisi una parperholla loco pene." (Ibid. art. 12.)

* See the *Hist. Générale de Dauphiné*, by Chorier, t. ii., pp. 114, 115, 116, 137, and 138.

jurisdiction, and subject, in all its acts, to the control of the seigneurial officers. If the title of consul is still found, it is but a form without value, consecrated by the popular regret. Besides, as we have already seen, the municipal vanity was sufficient to introduce this title into cities where the consulate, properly so called, never existed for a single day.* It is thus found at Grenoble, which may be reckoned the least free of all the cities of Dauphiny, and placed at an early period under the double seigniory of the Dauphin and its bishop, was either more effectually restrained, or more resigned to its fate than the other cities, and was satisfied with the recognition of its traditional immunities as its only statute, without any guarantees being given for the precise form of its municipal organisation.†

* The towns of Provence and Languedoc had the honour of being legally authorised to change the name of their syndics into that of consuls; some claims to that effect were made up to the eighteenth century.

† "Quod omnes homines nunc et in posterum in civitate Gratianopoli habitantes, vel in suburbiis ejusdem civitatis; videlicet in burgo ultra pontem sito in parochia sancti Laurentii, plena gaudeant libertate, quantum ad tallias, exactiones et complaintas, salvis nobis et retentis bannis et justitiis nostris et censibus." . . . . . (Libertates concessæ civibus Gratianopolitanis per episcopum et Guigonem Dalphinum dominos ejusdem civitatis, 1244; *Hist. de Dauphiné*, by Valbonnais, t. i., preuves, p. 22.) The only mention of the municipality which is in this charter of Grenoble is the following: *Ea vero quæ concessimus rectoribus et univer-*

I have enlarged upon the cities of Lyonnais and Dauphiny, because their history may throw light upon that of the ancient cities, not only of the south, but also of the centre and the north of France. Their statutes and their charters of privileges are the only authentic proofs, the only monuments which remain to us, of a municipal right prior to the great renovation of the twelfth century. In the case of other cities, we discover the continuance of the urban administration from the Roman times, whether these cities, undergoing a regeneration at the period of the twelfth or thirteenth centuries, adopted the government of the consulate, or that of the *commune jurée*, or whether they then escaped all constitutional reform: but it is a fact which presents nothing definite, and is only proved by inference. We perceive the trace of an immemorial government, but it is impossible to ascertain either the extent of the powers of this government, or the extent of the civil and political rights of the citizens. In fine, what is clear in the case of Lyons, Vienne, Valence, and Die, is involved in greater or less obscurity in the case of Marseilles, Arles, Nîmes, Toulouse, Limoges, Tours, Angers, Chartres, Paris, Rheims, Amiens, Beauvais, and all the cities of the same origin. I do not mean to say, that we can here draw the inference in a positive manner, and conclude, for instance, that the immunity

sitati ejusdem civitatis, sicut continetur in litteris quas eis tradidimus nostrorum sigillorum impressione sigillatis, in sua permaneant firmitate. (Ibid. p. 23.)

from taxes to the *seigneur*, which was enjoyed by Lyons and almost all the cities of Dauphiny, was common to the towns of the other parts of Gaul; but, as far as liberty of person and property is concerned, we can affirm, in the absence of proof to the contrary, that it was, before the municipal revolution of the twelfth century, the right of the metropolitan or episcopal cities of France. This revolution, which gave them on one side the consulate, and on the other the *commune jurée*, found them, in respect of civil rights, at the same point as a quarter of a century before the consular reform which arose in Italy had found the cities of Tuscany, Lombardy, and Piedmont.*

The establishment of magistrates, named consuls, and invested with the whole powers of government, put an end, in the Italian cities, to the seigniory exercised by the bishops in the character of imperial vassals.† Such was the simple and unique character of this revolution when it overflowed into Gaul. When it spread on this side the Alps, it was followed by new and dif-

* See the collection published by Count César Balbo, entitled: *Opuscoli per Servire alla Storia delle Città e dei Communi d'Italia*, Turin, 1838.

† In the collection of Count César Balbo, see the remarkable memoir composed by him, under the title of *Appunti per la Storia delle Città Italiane fino all' Istituzione de' Communi e de' Consoli*, p. 82 and following. What is here said has reference only to the early times of the Italian consulate; I have no concern here with the later struggles against the military nobility.

ferent consequences, because the condition of the cities, in which its influence was felt, was not the same as in Italy, and varied according to different countries. As feudalism was then prevailing over the territory of Gaul in its full force and development, the ancient towns were subjected to different kinds of *seigneuries;* some to that of their bishop; others to that of families of greater or less power; others, lastly, to a dominion divided between two or even three *seigneurs.* Thence it occurred that the consular revolution introduced into Southern Gaul was at war, not simply as in the Italian cities, with the temporal power of the bishop, but sometimes with this power, and sometimes with secular *seigneurs:* there were instances in which the bishop, far from resisting it, favoured it with his connivance and support. In the second place, in the provinces of the north, where the urban population had less generally preserved its liberty from the Roman times, the municipal regeneration, effected no longer under the Italian form of the consulate, but under the native form of the *commune jurée,* assumed a double character,—that of instituting political liberties for those who were already civilly free, and that of enfranchising those who were demi-serfs, or in complete servitude.

In this way the communal revolution, one of the results of the shock produced by the struggle of the Papacy with the Empire, was altogether political in Italy; in France, it was at once political and civil, or, to speak more accurately, political in its principle and

in the movement of opinion which it propagated, it led to instantaneous consequences on the purely civil government. We have evidence which results from the facts themselves, and which can be shaken by no objection drawn from the nature of such or such a sentiment, which is implied by them, but which persons will not allow, because it appears too ancient or too modern for those who lived in the twelfth century. As to those who maintain that the idea of independence and civic devotion is a pure anachronism in the history of the French communes, I ask them to what category of sentiments and ideas they refer these formulas of the municipal law of Saint-Quentin :—

"Common assistance, common counsel, common detention, and common defence, were sworn by each to his confederate.

"We have resolved that whoever shall enter into our commune, and shall aid us with his means, whether in case of flight, or fear of enemies, or from some offence, which may be unpremeditated, shall be free to enter into the commune, for the gate is open to all; and if his *seigneur* shall have unjustly detained his property, and shall continue to do so, we will execute justice.

"And if it happen that the *seigneur* of the commune have a castle within the borough, or within the town, and desire to make wards there, the wards shall belong to the commune at the will, and by the permission, of the mayor and *échevins*, for none shall be permitted to the injury of the *bourgeois*.

The *bourgeois* of Saint-Quentin owe no kind of military service to their *seigneur*, nor can they be summoned together for the purpose of paying him dues; but if any choose to give him anything of his own accord, when requested by the *seigneur*, it will be considered as of free will.*

* Note of the *Establissements* of the commune of Saint-Quentin, compiled for the benefit of the commune of Eu: Archives of the *Mairie* of Eu. (*Livre Rouge.*)

SECOND FRAGMENT.

MONOGRAPHY OF THE COMMUNAL CONSTITUTION OF AMIENS.

SECTION I.

INTRODUCTION; TIMES PRIOR TO THE TWELFTH CENTURY.*

THE name of Amiens, at the period when Cæsar effected the conquest of Gaul, was *Samarobriva,* which means, the bridge over the Somme.† It was the capital of the *Ambiani,* one of the tribes of the great family of the Gallic race, who, under the name of Belgi, inhabited the north of the country from the Rhine, as far as the Marne and the Seine. When it became necessary to repel the Roman invasion, the *Ambiani* joined with the people of their own origin, and furnished, in the year 57 before our era, a contingent of 10,000 men to the army which was raised by the confederation of the Belgi. But Cæsar triumphed over that powerful league; he

* *Recueil des Monuments inédits de l'Histoire du Tiers État,* t. i., from p. 1 to p. 25.

† The ancient name of the river, *Samarus* or *Samara,* was changed, about the sixth century, to that of *Sumina* or *Somena,* later, by contraction, *Sumna* or *Somma,* from which comes the present name Somme. (See *Hadriani Valesii Notit. Galliar.,* pp. 15 and 539.)

distributed his troops through the villages and on the territory of the Belgi; and, on several occasions, legions were cantoned at *Samarobriva*. Such are the earliest historical notices which relate to the city of Amiens.

It is well known how the conquest of Gaul was effected by the Romans in ten years. The country remained so completely subdued and tranquillised, that, scarcely half a century after the death of Cæsar, the Emperor Augustus was able to comprise it in the provinces of the empire. At that time the *Ambiani* and their capital were placed in the province which bore the name of Second Belgium. From that period *Samarobriva* continued subjected to the system of government and to the laws which regulated, in an uniform manner, the various parts of Europe. Placed in dependence on and under the jurisdiction of an imperial officer, it enjoyed, nevertheless, a considerable share in the affairs of its own immediate government; and, like all the cities into which the Roman municipal government was introduced, it possessed a body of magistracy and an urban administration, a senate charged with the management of the police and local affairs, and invested in certain cases, provided for and defined, by the supreme authority, with the right of administering justice, and the enactment of the laws.

Samarobriva Ambianorum, as it was called, by joining the name of the people, of whom it was the ancient capital, to that of the city itself, attained, under the Roman dominion, a high degree of prosperity; it was then en-

larged and embellished to such an extent, that already, towards the end of the fourth century of our era, the historian, Ammianus Marcellinus, called it a city eminent among others.* Situated on one of the great Roman roads which traversed the whole length of Gaul, it was, besides, as the Itinerary of Antoninus seems to indicate, the point of junction of many routes of secondary importance which led to Beauvais, Noyon, Soissons, and other neighbouring cities.† It, no doubt, owed a part of its importance to a position so favourable to commerce. From the reign of Augustus down to the fall of the empire numerous edifices were seen to rise within its walls; it possessed a palace in which the imperial magistrate resided, an amphitheatre, temples, and an important manufactory of arms.‡ It is known, by the official statement which was prepared about the year 437, that the emperors had established in Gaul eight establishments for the manufacture of arms of every kind, and that the establishment at Amiens had to supply the Roman soldiers with swords and shields.§ The name of *Samarobriva* fell out of use in the latter days of the empire, and that of Ambiani alone remained

* Ambiani urbs, inter alias, eminens. (*Ammiani Marcell.* lib. xv., *apud Script. Rer. Gallic. et Francic.*, t. i., p. 546.)

† See the *Itinerarium Antonini Augusti*, *apud Script. Rer. Gallic. et Francic.*, t. i., pp. 106 and 107.

‡ *Hadr. Vales. Notit. Galliar.*, p. 539.

§ Ambianensis (fabrica) spataria et scutaria. (*Notitia imperii dignitatum per Gallias*, *apud Script. Rer. Gallic. et Francic.*, t. i., p. 126.)

as the designation of the city; at a later period it was replaced, in all instances, by the barbarism *Ambianus*, which, being contracted and softened in the Romant language, gave rise to the modern name of Amiens.*

The establishment of Christianity and of an episcopal see at Amiens dates from the end of the third century of our era. It was between 260 and 303, A.D., that Firminus, St. Firmin, a native of Pampeluna, taught the new faith in the city, and there suffered martyrdom.† He is recorded by the church as the first bishop of Amiens. It will be seen by this date, that at the very time when St. Firmin was condemned to death under the imperial laws, Christianity was on the point of triumphing, and becoming the religion of the empire.

In the year 406, when the Alans, Suevi, Vandals, and Burgundians, forcing the boundary of the Rhine, invaded Gaul and overran it from north to south, the city of Amiens bore her part of the miseries which poured upon the country, and was unable to escape the devastations of the barbarians. It is comprised by St. Jerome in the number of the cities which had to undergo the disasters of that great invasion.‡ It appears, however, that it quickly repaired its losses, for about 437, A.D., as the *Notice de l'Empire*

* *V. Hadri. Vales. Notit. Galliarum*, p. 15.

† *Gallia Christiana*, t. x., col. 1150.

‡ "Remorum urbs præpotens, Ambiani, Atrebatæ, extremique hominum Morini, Tornacus, Nemetæ, Argentoratus translati

indicates, it still held a distinguished position among the cities subject to the Roman dominion.

Amiens had soon to feel the effects of an invasion, not sudden and transient like the first, but lasting, and destined to exercise a permanent influence upon its internal condition. From the year 428 the Franks, some tribes of whom had already settled on this side the Rhine, within the territory of the empire, had made incursions under the guidance of Chlodio, one of their chiefs or kings, as far as the Somme, but they had been repulsed by Aetius. It does not appear that the kings Merovig and Childeric, the last of whom was master of Tournay and Cambray, repeated the attempts of Chlodio. It was not till the end of the fifth century that the city of Amiens was subjected to the Franks. We may give the year 486 as the exact date when Clodovig, the king of the Salic Franks, in a battle fought under the walls of Soissons, defeated Siagrius, the last Roman who had the government of a portion of the Gallic territory. It was after this victory that the Franks advanced as far as the Seine, and a little after as far as the Loire, and that they took—never to abandon it again—the countries of Gaul situated to the north of the two rivers.

Amiens shared, like all the Gallic cities, in the great revolution which was effected in the Roman municipal system after the fall of the empire. The government

in Germaniam." (*Hieronymi Epist., apud Script. Rer. Gallic. et Francic.*, t. i., p. 744.)

of cities under the Roman dominion consisted, as is known, of three distinct departments :—

1. The internal and local administration of the city;

2. The jurisdiction in matters under litigation, or of the civil tribunals, and the criminal jurisdiction;

3. The voluntary jurisdiction, analogous to that which the notaries, and, in certain cases, the magistrates (*juges de paix*), exercise in France in our own times.*

The central government had left the internal administration, the voluntary jurisdiction, and that which we now call the correctional police, to the cities. It reserved to itself the criminal jurisdiction, and that of the civil tribunals. By the simple fact of the dissolution of the empire, the municipal magistrates of Amiens, and of other cities of Gaul, found themselves suddenly invested with an authority which they had never possessed till then. The members of the senate preserved their ancient prerogatives; but, at the same time, they filled certain posts which the retreat of the imperial officers left vacant, and exercised to a greater or less extent, according to the necessity of the case, the criminal and civil jurisdiction.

At the same period considerable changes were made in the appointments to the urban magistracy. The staff of the ancient senate was broken up, the municipal body was formed of all the notable citizens, whatever

* See the account given by M. Pardessus, in the *Journal des Savants* (1840, p. 105), of the *Histoire du Droit Romain au Moyen Age*, by M. de Savigny.

might be their title, and the members of the clergy were admitted together with the laity. The bishop directly interfered, legally, if we may so say, in the government and administration of the city. Up to that time he had possessed nothing but a purely moral ascendancy over his fellow-citizens, and this he owed entirely to his episcopal functions and to the sacred character with which he was invested. The Roman law made him, in addition, a sort of magistrate, with the right of arranging differences, and terminating proceedings which were submitted to him.* After the dissolution of the Roman government he became, by his ecclesiastical pre-eminence, which he owed to popular election, member and president of the municipal body. Invested at once with a double authority, spiritual and temporal, he henceforth found himself placed as bishop and magistrate, in the first rank in the city, and possessing in all its affairs the chief share of influence. We are not here reduced to simple conjectures, we have a written authority, which, in regard to the second half of the seventh century, confirms what we have just advanced.

"Salvius," says a hagiographer, "was elected by the choice of the people, and appointed by God to fill the episcopal see; he was called by the people to the order of the magistracy, and crowned by God with the honour

* "Si qui, ex consensu, apud sacræ legis antistitem litigare voluerint, non vetabuntur, sed experientur illius, in civili duntaxat negocio more arbitri sponte residenti judicium." (Cod. lib. i., tit. iv., *de Episcopali Audientia*, const. Arcad. et Honor. impp. [398].)

of the apostolate."* Brief as is this passage, a threefold conclusion may be drawn from it :—

1. In the seventh century the people took part in the election of the bishop.

2. They nominated the municipal magistrates.

3. The bishop formed part of the urban magistracy, who acted as governors and judges in the city.

Such were the changes necessary, and in some sort spontaneous, which the municipal system of Amiens underwent, like that of other cities of Gaul, after the fall of the Roman empire, and the establishment of the German supremacy. It is our present task to examine what influence the political organisation of the German conquerors, and especially that of the Franks, exercised on that system.

The Merovingian kings established, in every important city throughout the whole territory which they had conquered, persons to whom they delegated their authority; who, under the designation of counts, exercised the high office of judges and civil and military governors. It is difficult to mark with accuracy the limit which separated, in the internal government of the city, the action and the power of the count from that assigned by the law, or lapsed through the neces-

* "Fuit quidem electus a plebe Ambianensium, et a Deo donatus in sede sacerdotum, fuit vocatus a populo in ordine magistratus et coronatus a Deo in honore apostolatus." (Vita S. Salvii Ambian. Episc. [anno 686], apud Bolland. Acta SS. Januarii, t. i., p. 706.—Gall. Christ., t. x., col. 1153 et seq.)

sity of circumstances to the senate, the *defenseur*, or the bishop.* We can, however, assert that the presence and establishment of these royal officers did not, by any means, cause the disappearance of the municipal institutions. The counts, as the contemporary documents prove, received the power of raising taxes and of presiding at the assemblies; or, according to the German custom, the principal freemen of the district sat as judges in criminal matters, and exercised jurisdiction in civil cases, as well as in those voluntarily referred to arbitration. In the rural districts these principal freemen, these valid sureties, *Rekin-burghe*, as it is expressed in the Teutonic language,† were men of Frankish origin; but in the city, the abode of Gallo-Roman families, but where the rich Franks no longer dwelt, the notables, who were convoked by the count to act as judges in civil and criminal cases under his presidency, occupied the position of the senate itself, excepting its hereditary constitution, and the fixed number of its members.

* Defensor civitatis, plebis, loci. For information on the province of this municipal magistrate in the Roman times, and under the Frank domination, see Cod. Theod. lib. i., *de defensoribus*, sect. i. 55.—Novel. Majorian. 5.—Marculfi formul. et var. formul., apud Script. Rer. Gallic. et Francic., t. iv., p. 465 et seq.

† *Rek*, *rik*, strong, powerful; *burg*, *borg*, bail, surety. This designation occupies a prominent place in the acts of Frankish Gaul, in which we find the words *rachimburgii*, *regimburgi*, *recineburgi*. *V. Script. Rer. Gallic. et Francic.*, t. iv., passim.

Thus the enlargement of the municipal jurisdiction, which was necessarily brought about by the dissolution of the Roman government, was sanctioned and regulated under new forms by the German institution of the *Mâl*, or the judicial assembly.* A multitude, moreover, of acts and formularies proves that the urban magistracy did not cease during the Merovingian period, and even later, to exercise to their full extent the powers which it had enjoyed in the Roman times. It preserved the internal and local administration; it exercised the voluntary jurisdiction; and the acts of this jurisdiction—enfranchisements, adoptions, legitimations, grants, deliveries of goods sold, admission of wills, &c., when they were made and passed in the absence of the royal officers—did not lose their value or their authenticity. Lastly, when the count came to take his place as president, in the assemblies of justice, where judgment was to be pronounced on some crime or proceeding, he derogated nothing from the powers of the notables, *Rachimburgii*, who sat in the court by his presence; the notables decided on the case and on the law. The count had only to ascertain their opinions

* We read the following passage in the life of St. Valery :—*Advenientes vero ad quemdam locum Ambianensem perveniunt Gualiniago, ubi quidam comes nomine Sigobardus, juxta morem seculi, concioni præsidebat, quod rustici* MALLUM *vocant.*" (Vita *S. Walarici, apud Script. Rer. Gallic. et Francic.*, t. iii., p. 496. —*V. Pactum Legis Salicæ et Legem Ripuariorum*, Ibid., t. iv., p. 420 et seq.)

and to ratify the verdict; and when the *Mâl* was held in a city, in spite of this new name, which passed from the language of the barbarian laws into the wording of the acts which were drawn up according to the Roman law, it was the municipal body which, maintaining its existence, although beneath the dress, as it were, of the German institution, exercised in the presence and under the sanction of the count the criminal and civil jurisdiction.*

It frequently happened, as is well known, that the Frank counts trammelled, by acts of brutal violence, the legal exercise of the judicial power, with the maintenance and guardianship of which they were intrusted: it also happened that the Frank kings imposed bishops of their own appointment on the cities, or interfered in the episcopal elections, in spite of the protests of the clergy and citizens. But it may be asserted, in general, that in Amiens, and in other cities, the kings and counts, during the Merovingian dynasty, allowed the various prerogatives of the ancient municipal law to exist in their full extent.

* Curia: *Mahal* (Rhabani Mauri Glossarium apud Eckhart *de Rebus Franciæ Oriental.* t. ii., p. 956.) There is still an act of voluntary jurisdiction in existence, which was passed about the year 850, by the Assembly of Notables of the city of Amiens; it is a grant made by one Angilguin to the Cathedral Church of St. Firmin; the act concludes with these words: *Actum Ambianis civitate in mallo publico.* (See Du Cange, *Histoire des Comtes d'Amiens*, edited by M. Hardouin, p. 28 and following, in the notes.)

It is a circumstance which here deserves remark, that Amiens, in the Merovingian and Carlovingian periods, was one of the richest and most flourishing cities in Gaul. It owed a great part of its importance and prosperity to the commerce which was carried on along the Somme, and of which it was the mart. In 779, Charlemagne granted to the Abbey of Saint-Germain-des-Prés an exemption from all the dues which were demanded at Amiens, and in many ports and places of commerce, on merchandise of every kind. The cities and places named in the deed of grant are those which still, at a later period, as well as in those days, formed the medium of almost all the import trade into the north-west provinces of Gaul. They are, Rouen, the port of Étaples, the ancient *Portus Icius*, in Boulonnais, Utrecht, Pont-Sainte-Maxence, Paris, Troyes, and Sens.* The deed of grant of Charlemagne, compared with other documents of a later date, is of great importance in regard to the history of Amiens. It goes to prove that

* "Propterea per presentem preceptum decernimus, quod perpetualiter mansurum esse jubemus, ut per ullos portos neque per civitates tam in Rodomo quam et in Wicus, neque in Ambianis, neque in Trejecto, neque in Dorstadæ, neque per omnes portos ad sanctam Maxantiam, neque alicubi, neque in Parisiaco, neque in Ambianis, neque in Burgundia, in pago Trigasino, neque in Senonico, per omnes civitates similiter, ubicumque in regna, proposito Christo, nostra, aut pagis vel territoriis theloneus exigatur . . . . Data VI kal. Aprilis, anno XI et V regni nostri. Actum Haristalio palacio publico." (*Preceptum Caroli magni apud Script. Rer. Gallic. et Francic.*, t. v., p. 742.—*V. Hadr. Vales. Notit. Galliar.*, pp. 249 and 256.)

under the kings of the two first races, as in the succeeding periods of the middle ages, this city was one of the grand centres of commerce in the north of France, into which the merchandise of all countries then flowed.*

From the seventh to the middle of the tenth century we have no document to supply the least particular relative to the municipal organisation of Amiens. Among the general facts, however, which took place during this period, there is one which we ought to point out, for it introduced an important modification into the municipal constitution, not of Amiens in particular, but of all the cities of Gaul: we mean the institution of the *Scabinat*. Charlemagne, depending upon the recollections and the remains of the ancient civilisation, had tried to form a new Roman empire out of his vast territories. The principal means of attaining the accomplishment of such a design was necessarily by

* Under the two first races, as at the period of the Roman domination, there was a mint at Amiens. Golden pieces of a third of a sou value were coined in the Merovingian times, bearing the names of different masters of the mint. *Deniers* of the time of Charlemagne have these words on one side: *Karol. rex*, and on the reverse, *S. Firmini*. This last inscription is explained by the veneration paid by the inhabitants of Amiens to the memory of their first bishop. Other coins of Charlemagne, as king, preserved in the collection of Doctor Rigollot, have on one side *Carlus*, and on the other *Ambianis*. A coin struck in the reign of Charles le Chauve has,—*Ambianis civitas*, and the monogram of this prince. (See Du Cange, *Histoire des Comtes d'Amiens*, edited by M. Hardouin, pp. 24, 25, and 361.)

establishing, as far as the confusion of the social elements at that period permitted, regularity and unity of administration: the first Frank emperor attempted this by ably originating reforms in all the branches of the government. One of his great measures for the public order was to model the judicial institutions upon a new plan, and to make provision for the regular administration of justice, which the law, as well as custom, left to the voluntary services of freemen, who were convoked by the count to the *Mâl*, or court of the district. He created a body of regular judges, under the German name of *Skapene* or *Skafene*, in the Latin acts, *Scabini*, *Scabinei*. These judges were to be chosen, both in the cities and districts of the open country, by the count of the place, the imperial commissioners, or *missi dominici*, and the people.* Under this last class was comprised, in the rural districts, the whole body of those who were freemen according to the German law, and, in the cities, the whole body of those who were citizens according to the Roman law.

In this manner the judicial revolution effected by

* The words *skapene*, *skafene*, alias *skepene*, *skefene*, are derived from the Teutonic word *skapan* or *skafan*, which signifies to dispose, to order, to judge. (See Grimm, *Antiquités du Droit Germanique*, § 7, p. 778.)—Ut judices . . . . scabinei boni et veraces et mansueti, cum comite et populo, eligantur et constituantur. (*Capitular.* i., an. 809, art. 22, *apud Script. Rer. Gallic. et Francic.*, t. v., p. 680.)—Ut missi nostri, ubicumque malos scabineos inveniunt, ejiciant et, totius populi consensu, in loco eorum bonos eligant. (*Capitular. Wormatiense*, an. 829, art. 11, ibid., t. vi., p. 441.)

Charlemagne gave an entirely new right to the inhabitants of the cities, namely, that of appointing judges conjointly with the count, who, up to that time, had been sole judge, as recognised and qualified by the laws of the Frank monarchy. This order of things, which substituted the *Scabins*, or judges elected by the count and the people, in the place of the ancient judges of the senate, produced a revolution in the municipal government; but the change did not so much affect the substance as the form of the urban constitutions. The new magistrates were taken from among those who had the right of sitting as judges in the courts of the preceding period, from among those who were members of the body which, from time immemorial, conducted all the affairs of the city, and thence, in after times, was derived the tradition which attached to the Roman office* of *Eskevins* or *Eschevins* the double meaning of governors and judges.

The facts, I repeat, which have been transmitted to us as having taken place in the city of Amiens during the period which extends from the seventh to the middle of the tenth century, belong entirely to general history. The chroniclers recount nothing at length but the calamities which befell that city up to the period of the dissolution of the Carlovingian empire; they are, on the one hand, the invasions of the Northmen, which followed one another without intermission, year after year, from 859 to 926; on the other, the

* The office, Roman; the name, Teutonic.—*Translator's note.*

wars of the *seigneurs*, who, freed from all superior authority by the fall of the empire and the weakness of the royal power, contested among themselves the possession of its fortifications and territory. But there is an episode in these wars of which account must be taken, for it shows in favour of the citizens, that their right of taking part in the elections of the bishops, one of the privileges derived from their ancient Roman constitution, still existed to the middle of the tenth century as three hundred years earlier, in the days of Bishop Salvius.

In 946 Derold, the bishop, died; the inhabitants of Amiens chose and appointed as his successor to the vacant see a monk of Saint-Waast, by name Raimbaud. The election was regular; it was annulled by force. In 947 Hugo, count of Paris, came to Amiens, drove Raimbaud away, and installed Tetbaud, one of the clergy of Soissons, as bishop, in his place. But the intruder did not remain long in peaceable possession of the episcopal chair; he was driven away in his turn, and excommunicated. In 949 Arnulf, count of Flanders, marched upon Amiens, and, aided by some of the inhabitants, made himself master of the city; he brought back Raimbaud, the elected bishop, and put him in possession of the dignity which he held by the popular choice.* Thus, in the middle of the tenth century,

* "Ambianenses Tetbaldum, quem eis Hugo constituerat, episcopum, exosi, castrum Arnulfo comiti produnt, qui advocans regem Ludovicum, oppidum ipsum cepit, Tetbaldum

the inhabitants of Amiens took part with the clergy in the election of their bishops. This right was never disputed; documents of a different kind prove that they exercised it during the whole course of the eleventh century, and that they still did so in the following, till the period when their municipal existence was formed afresh by a revolution, and took an entirely new shape, under the celebrated name of *Commune.**

The right of appointing *scabins*, or elected judges, which the laws of the Carlovingian empire had conjointly assigned to the count and the freemen in each administrative division (*circonscription*), was entirely usurped during the lengthened confusion which accompanied the dissolution of the empire by the counts, and became one of the foundations of that local sovereignty which they claimed. It does not appear that, in the rural divisions, where all had been organised after the

expulit, Regembaldum illuc Atrebatensem quemdam monachum quem iidem Ambianenses prius sibi delegerant, introduxit: quique Remos a rege perductus, ordinatur episcopus ab Artaldo archiepiscopo." (*Chron. Frodoardi*, apud Script. Rer. Gallic. et Francic., t. viii., p. 205.—Ibid., pp. 175, 201.)

* *Epistola Urbani Papæ II. ad clerum et populum Ambianensem*, apud Script. Rer. Gallic. et Francic., t. xiv., p. 700.—"Concilium ipsum Trecense, anno 1104, electionem olim confirmaverat viri sanctissimi Goffridi episcopi Ambianensis, quod *unanimiter a clero et populo electus fuisset, rege quoque assentiente.*" (Thomassin, *Vetus Ecclesiæ Disciplina*, t. ii., p. 91.)—"Clerus autem et populus . . . eo absente [Godefrido], super altero eligendo, non sine magna .ipsius aspernatione, non sategit." (*Guiberti Abbat. de Novigento, de Vita Sua*, lib. iii., sub an. 1115, inter opera ejus omnia, p. 516, ed. Dachery.)

German manners and customs, the encroachment on the right of the freemen had been the object of a strong resistance; but, in the cities, it gave rise to a long struggle between the *seigneurial* power, on the one hand, and, on the other, between the urban corporation, which, under different names, and with different degrees of administrative and judicial power, had succeeded to the senate of the Roman times. This struggle, in which all the cities of Gaul, without exception, were forced to yield, although in a very unequal manner, fills up the space of the tenth and eleventh centuries in their history. It is the period of decline and ruin for the municipal institutions; its prevailing character consists in the dissolution of the body of judges, which may now be called *échevins*, in the replacing of those judges by the vassals of the count, peers of the *seigneurial* court, in the infeudation of both the judicial and administrative appointments. These changes were everywhere coincident, though in different degrees, with the forgetfulness of the traditions of civil life, the encroachment of the barbarian manners and customs, the abandonment of the social discipline which the Roman usages had transmitted, and which, although weakened under the Frankish sway, was still preserved within the cities by the continuance of their municipal governments.

The eleventh century witnessed the extreme point of this movement of dissolution of all civil order. We see private wars prevailing—family arrayed against family, and man against man — among the *bourgeois* of the

cities, as among the lords and the vassals; but, at the same period, by a sudden reaction of good sense, of natural equity and recollections of a happier time, the first symptoms of a new desire for order, justice, and peace appeared. Heart and hand were united under the authority of religion to substitute pacific agreements in the place of a brutal vengeance, and submission to sentences both of arbitration and judgment. We are acquainted with the celebrated institutions of the Truce and Peace of God, which were promulgated on several occasions in the course of the century by the bishops assembled in national and provincial councils. It is certain that attempts similar, and entirely spontaneous, took place on a smaller scale, and that associations, bound by oath for the maintenance of the public peace, were formed in some of the small provinces and simple towns. About the year 1025, the inhabitants of Amiens were united to those of Corbie by a treaty of reciprocal peace, not only between these two cities, but between all the persons domiciled within their limits and on their territory. This confederation—like all of the same kind—adopted as its principle the old practice of the confederated association, which, under the name of *Guild*, had been introduced into Gaul by the German populations, and which, after the mixture of races and manners, was preserved, especially in the provinces of the north.* We here present the curious details which a sacred

* *Gilde* or *Gelde* (pronounced *Ghilde* and *Ghelde*) signify in the Teutonic language a feast at the common expense,

writer of the eleventh century has given us of the alliance of Amiens and Corbie, of its character and its object.

The inhabitants of the two cities were associated by the invocation of the saints whose relics they possessed. They determined among themselves to observe perfect peace, that is to say, for all the days of the week ;* and having made a promise to meet at Amiens every year on a high festival day, they bound themselves to that engagement by oath. They all swore that, for the future, if a quarrel broke out between two individuals, neither one nor the other should have recourse to pillage or incendiarism ; but that they should delay their cause to a stated day, and should then appear before the church, in the presence of the bishop and the count, to plead it, and to close their dispute in a peaceable manner.† The contemporary narrator adds,

association, brotherhood. (See the Glossaries of Ihre, Schertz, and Wachter, on the etymology of this word. On the origin of the Guild, and on its different applications in the middle ages, see the *Considérations sur l'Histoire de France*, placed at the head of the *Récits des Temps Mérovingiens*, chap. vi.)

* Already, by "the Truce or Peace of God," war was allowed to be carried on only from Monday morning to Wednesday night.—*Translator's note.*

† "Ambianenses et Corbeienses cum suis patronis conveniunt, integram pacem, id est totius hebdomadæ, decernunt ; et ut per singulos annos ad id confirmandum Ambianis in die festivitatis sancti Firmini redeant, unanimiter Deo repromittunt. Ligant se hujus promissionis voto, votumque religant sacramento. Fuit autem hæc repromissio, ut si qui disceptarent inter se aliquo discidio, non se vindicarent præda aut incendio, donec statuta die ante ecclesiam, coram pontifice et comite,

that these resolutions gave birth to a custom which was long observed by the inhabitants of the two associated cities. Their grand annual meeting took place on the octave of the Rogation days; the relics of the saints were borne in procession; suits were terminated; feuds and differences were appeased; the statutes of the association were read in public, and were confirmed by a fresh oath; speakers addressed the people; and then the proceedings ended. The religious character of this institution was gradually effaced; and, after a time of greater or less duration, it became simply political; the relics of the saints were neglected; and when the day of the great meeting returned, there were amusements and dances instead of processions and prayers. The monks of Corbie and Amiens ceased to take part in these fêtes; but it is probable that the compact of peace between the two cities was maintained by them till the period when a powerful but different application of the federal association caused all the rights and all the guarantees of the municipal system to spring into fresh existence in the north of France, by the institution of the *communes jurées*.*

fieret pacificalis declamatio." (*Miracula S. Adalhardi Abbat. Corbeiensis*, auctore S. Gerardo Abbat. Monast. Silvæ Majoris, apud Script. Rer. Gallic. et Francic., t. x., p. 378.)

* "Adoleverat inter Ambianenses et Corbeienses nova quædam religio, et ex religione pullulaverat consuetudo, quæ etiam reciprocabatur omni anno. Octavis denique Rogationum ab utrisque partibus conveniebatur in unum; ibique conferebantur corpora sanctorum, solvebantur lites, ad pacem revocabantur discordes, mutabantur a populo orandi vices. Decreta utriusque loci renovabantur, populo perorabatur, sicque redi-

The establishment of feudalism had, in a manner, materialised all the political and civil offices. The division of the social powers and administrative prerogatives had been transformed by it into a division of territorial domains, of every description and of every size, to each of which a larger or smaller share of sovereignty and jurisdiction was inseparably attached. At Amiens the division of the territory, and, by consequence, that of the political and judicial power, was effected in a very unequal manner between the two ancient heads of the city, the count and the bishop. The lordship of the count extended over the city and its precincts; that of the bishop, although he was lord paramount, was restricted to the peculiar domains of his church, both within and without the city. The jurisdiction of the count was held to be general; that of the bishop was in its nature special, and was, as it were, enclosed within the other. By the documents of the eleventh century, the district of the bishop of Amiens, as a feudal tenure, seems to have been confined within these narrow limits; but his authority seems still to have preserved some connexion with the ancient civil tradition and the general interests of the city. From time to time the title of administrator of the public weal of Amiens appears in the episcopal charters,

batur. Sed procedente tempore cœpit aliquando res ipsa usu vilescere, et inreverentia fieri ex multa veneratione. Uterque si quidem sexus cachinnis et lusibus intendere, ordiri choreas, et inreverenter agere; et sic pene omnes corpora sanctorum negligere. Displicuit res illa bonis et maxime monachis." (*Script. Rer. Gallic. et Francic.*, t. x., p. 378.)

Procurator rei publicæ Ambianensis, a title which is derived from the recollections of the municipal constitutions prior to the tenth century.*

The recollections of the time when the crown was the only supreme power were likewise attached to a portion of the city; the smallest, indeed, of all the buildings and dependencies of the ancient citadel, a high and strong tower named the *Castillon,* and constructed, according to the antiquaries, on the site of a Roman palace.† The court of the Castillon, and the lands which bordered on it from the city-wall to the Somme, belonged to the lordship of the king, and not to that of the count; they were held hereditarily, on the condition of allegiance and homage, by a governor, who exercised a certain jurisdiction within its limits, and who was placed, by the rights attached to his tenure, in the rank of *seigneur,* or, as it is expressed in the ancient documents—*Prince of the city,* after the

* "Gui presul et procurator rei publice Ambianensis, universis filiis adoptionis præsentibus et futuris . . . ." (Charter of the consecration and endowment of the monastery of Saint-Martin-aux-Jumeaux, bearing date 1073. Departmental Archives of Somme, cartulary of the chapter of Notre-Dame of Amiens, No. 1, fol. 195, r°. and v°.) In a charter of the year 1139, the words *presul et procurator totius rei publice Ambianensis* are found. (See Du Cange, *Gloss.,* on the word *procuratores.*)

† Pro muro Castellionis, sic enim vocatur. (Guiberti Abbat. de Novigent., de Vita Sua, lib. iii., inter ejus opera omnia, p. 516.) —*Antiquités de la Ville d'Amiens,* by de la Morlière, liv. i., p. 66.—*Histoire d'Amiens,* by M. Dusevel, t. i., p. 16.

count, the bishop, and the *vidame,** or *lieutenant civil* of the bishop.†

Besides this territorial division, did anything exist in the eleventh century which the corporation of citizens possessed as their own? were there still any remains of communal property in houses and lands, which Amiens, like all the cities of Gaul, had possessed in the Roman times, and of which the right was maintained under the Frankish domination? It is difficult to answer this question positively; but some official acts prove that, in the eleventh century, there still existed at Amiens a sort of municipal council, the organ of the interests and grievances of the city. We find mention made of heads of the city (*Primores urbis*) —men of authority—who had weight of character with the people (*viri authentici habentes in plebe pondus testimonii.*)‡

* Vidame, *i.e.*, Vice domini.—*Translator's note.*

† "Secum duxit Adamum ejus civitatis principem." (*Vita S. Godefridi Episc. Ambian.* sæc. XII., apud Surium, mens. Novemb., p. 220.)—"Et certe Adam regi hominium fecerat." (*Guiberti Abbat. de Novigent., de Vita Sua,* lib. III., sub anno 1113, inter ejus opera omnia, p. 516.) Thus there were four *co-seigneurs.* In a charter of the year 1151, the heir of the ancient governors was entitled, *Ambianis civitatis princeps quartus.* (*Cartul. of Saint-Jean-lez-Amiens,* MS. of the thirteenth century, communicated by Doctor Rigollot, col. 407.)

‡ See the charter granted by Gui, bishop of Amiens, in the years 1058 and 1076, and those of the Counts Gui and Ives granted about the year 1091, *Rec. des Monum. inéd. de l'Hist. du Tiers Etat,* t. i., pp. 18 and 22.

A charter of the year 1091 supplies some valuable information on the state of the city of Amiens in the eleventh century. It proves, first, that the feudal court of the count took the place of the Carlovingian *Scabinat,* the very name of which had disappeared in the administration of justice, both within and without the city; secondly, that the clergy and people of Amiens were united in their remonstrances and protests against the abuses of power—the frauds and extortions of the *seigneurial* judges. The jurisdiction of the count was then exercised by a certain number of knights, who were his vassals, and who owed him, by right of homage for their fiefs, judicial as well as military service. They held the *seigneurial* courts both in the city and on the territories of the county of Amiens, and the appellation of viscounts was given to them, either as denoting their delegated duties, or as the title of some fief attached to those duties.

Two brothers, Gui and Ives, conjointly counts of Amiens,* made the charter of which I am speaking, on the reiterated complaints of the churches and congregations; and after having held a preliminary consultation with Gervin, the bishop of Amiens, the Archdeacons Ansel and Foulques, and the heads of the city. The object of this charter was to remedy the most crying

* They were the sons of Raoul I., count of Amiens, Mantes, and Pontoise, and came into possession of the county on the retirement of the elder brother, Simon, who entered the monastery of Saint-Claude in 1076.

abuses in the judicial proceedings, and to put an end to the prevarications of which the viscounts or judges were guilty in the exercise of their office.

We give here the principal provisions:—

Both within and without the city, throughout the county of Amiens, no viscount shall compel a person to answer to an accusation of theft, unless some one shall have lodged a complaint against him. If an accuser appears, the accused shall receive from the viscount permission to take counsel; and, after having taken counsel, he shall reply to the charge made against him.

If the accused be convicted of theft, he shall restore to the plaintiff the money stolen, and shall pay the viscount only three livres; he shall then be quit of that matter, and shall not be held liable to give account upon it to the other viscounts.

If a viscount assumes that an article has been found by any one, and claims it on that account, the suspected shall not be held liable to reply, unless there be a witness who declares that he was present at the discovery, or has received some confession from the accused. If there be a witness, the accused, having taken counsel, shall legally exculpate himself; if he fail to do so, he shall give up the article found to the count, and only three livres to the viscount; and shall not be afterwards held liable to answer before the other viscounts.

If one of the viscounts accuses any one of having

made a stipulation with another viscount upon an act of theft, or discovery, the accused shall not be held liable to answer to the charge, unless there be a witness who declares that he was present at the transaction. If there be a witness, the accused shall exculpate himself legally, or he shall restore to the viscount the object stolen or discovered, and shall pay him three livres at the most.

To this act of judicial reform there is attached a grant which was made by the two counts to the cathedral church of Amiens; it was promulgated in this church by being read aloud, and under menace of anathema.*

The enacting clause and the preamble of this curious charter form a striking testimony of the deplorable state of society, especially the urban society, about the end of the eleventh century. Nothing could be more intolerable for the cities, more contrary to their municipal traditions, more repugnant to their ancient conditions of existence, than an order of things in which justice, in its different degrees, constituted a private property and patrimonial revenues. The abuses here pointed out imply others still more serious, of which, unfortunately, no authentic act has transmitted the account to our times. An action for theft commenced without a complaining party, and an accusation made without a witness, for an assumed discovery of articles

* See the text of the document. *Rec. des Monum. inéd. de l'Histoire du Tiers Etat.*, t. i., p. 22.

which had been concealed, or were unclaimed,—articles, which, according to the feudal law, belonged to the *seigneur*,—such were the means of daily extortion practised by the viscounts. The accused, who had been acquitted by one of the viscounts, found himself charged by another viscount with having made a compromise with his judge, and an action recommenced against him; the condemned paid the penalty as many times over as there were viscounts in the city, or in the district; lastly, the object of the real or pretended theft was confiscated by the judges. That which was prohibited for the future by the ordinance of the Counts Gui and Ives was thus obtained, as a favour, by the inhabitants of Amiens, after lengthened remonstrances and solicitations frequently repeated. The two counts who made this grant seem to have had a feeling of deep distress, that their constitution, as they call it, should be powerless to supply a remedy. The words which they make use of are grave and sad: "Considering," they say, "how miserably God's people, in the county of Amiens, have been oppressed by the viscounts with sufferings new and unheard of, like the children of Israel oppressed in Egypt by the task-masters of Pharaoh, we have been moved by feelings of charity; the cry of the churches and the groanings of the faithful have affected us with sorrow."* This pity, mixed with remorse, might be

* ". . . . Attendentes quam miserabiliter plebs Dei, in comitatu Ambianensi, ab vicecomitibus novis et inauditis

sincere, but it could not bear any lasting fruit; the benevolent will of a *seigneur* reproved for a moment the weight of the feudal tyranny; but this *seigneur* passed away, and the institutions remained there to bring all back again. A power, violent and entirely uncontrolled, sprung from the introduction of the barbarian usages, had seized upon all the remains of the old civil society; the usage of the age had formed it; a revolution alone could crush it; and, in the case of the city of Amiens, this revolution was not long delayed; it took place less than a quarter of a century after the charter of the Counts Gui and Ives.

SECTION II.

THE TWELFTH CENTURY: ESTABLISHMENT OF THE COMMUNE OF AMIENS.*

The great municipal revolution, which broke out in the first years of the twelfth century, had been a long time in a state of preparation; the causes of this revolution have been traced in the preceding pages, for

calamitatibus affligebatur, quasi populus Israel oppressus in Egypto ab exactoribus Pharaonis, zelo caritatis permoti condoluimus. . . . ." (*Rec. des Monum. inéd. de l'Hist. du Tiers Etat*, t. i., p. 22.)

* *Recueil des Monuments inédits de l'Histoire du Tiers Etat*, t. i., p. 25.

the wrongs which the city of Amiens suffered from the seigneurial government were common to all others. In the cities, as well as in the rural districts, the feudal organisation had encroached upon and transformed the ancient social governments, whatever might be their nature and origin. It had more or less entirely destroyed the old urban institutions; and the cities parcelled out into different seigniories, deprived of political unity and civil jurisdiction, found themselves governed, under the name of domains, by great or small feudatories. During the eleventh century no means existed to remedy the disorders and sufferings of every kind which resulted from such a state of things—neither the Institutions of Peace, nor the complaints and remonstrances of the *bourgeois*, joined to those of the clergy, nor the royal power of the Capets, too weak and undecided to make its attempt at interference of any effect or benefit.

At the commencement of the twelfth century the population of the cities, throughout the whole extent of France, was agitated in various ways and different degrees by a deeply-felt necessity of a political reform.* The design of this movement—whatever might be the symptoms of it—was the same everywhere, and its tendency may be thus defined:—to revive the tradi-

* Two cities, Cambray and Mans, took the lead of all the rest; their attempts at a revolution date from the eleventh century. (See the *Lettres sur l'Histoire de France*, Letters xiv. and following.)

tions of the ancient civil government, and to rally all the scattered remains of the municipal existence; to complete and establish them by means of a new constitution; to seize again, by force or otherwise, the right of urban jurisdiction, and to substitute elective magistracies for feudal offices; to regain the useful rights of the ancient municipality, its revenues, its common property, its dependencies; lastly, to erect the whole body of the citizens into a free corporation, invested with political rights, and having the power of delegating its administrative and judicial functions. With regard to the external character of this revolution, the occasional causes which made it burst out simultaneously, or propagated it step by step, the political instrumentalities by which it was assisted, the events which accompanied it, and its social consequences, there were great differences, according to the condition of the cities in one or another portion of the country; and in this respect two great zones may be marked out—that of the south and that of the north. We shall only speak in this place of the last, in which Amiens is situated.

In the case of the cities of the north of France, the means of civil regeneration, the revolutionary mainspring, if we may so express it, was the confederated association, the Guild derived from the German usages, and employed in the course of the eleventh century as an instrument of public peace under the religious inspiration and authority of the Church. The appli-

cation of this powerful instrument to the municipal organisation had this new feature—that it was entirely political. Besides, its object was not only to establish peace in the cities, but to reconstitute society in them from its foundation; to institute a mutual assurance in behalf of all interests and all rights; to make a public power, exercised for and by all, emanate from the association of the citizens.

Such is the meaning of the words *conjuration* and *commune* in the documents of the twelfth century;* it is a mutual guarantee, organised under the pledge of an oath, for an object of social reform and constitutional renovation. The members of the city formed into a commune took the name of *jurés*, sworn collectively as a body, and individually in respect of one another; and this name was sometimes also specially applied to the municipal magistrates, on account of the particular oath which they took after their election. The communal constitution embraced and guaranteed three kinds of rights,—first, the political right, one entirely new in regard to its basis and its form, with

* "Communio, novum ac pessimum nomen."—(*Guibert. abbat. de Novigento, de Vita sua*, lib. iii., apud Script. Rer. Gallic. et Francic., t. xii., p. 250.)—"Communio quoque civium Trevirensium, quæ et conjuratio dicitur." (*Hontheim, Hist. Trevir. Diplomat.*, t. i., p. 594.)—Communiam juratam. (*Charter of Eleanor, queen of England and duchess of Aquitaine; Rec. des Ordonn. des Rois de France*, t. xi., p. 319, note *g*.)—See the *Considérations sur l'Histoire de France*, placed at the head of the *Récits des Temps Mérovingiens*, chap. vi.

the exception of the old titles of offices which were preserved or re-established—such as those of *échevins* and mayor;* secondly, the civil, an ancient right founded on the local custom; thirdly, the criminal right, partly ancient, and resulting from the law of custom, partly remodelled, in order to meet offences proceeding from the new order of things, such as the crime of treason against the commune.

It appears that the revolution of Amiens was determined, or at least accelerated, by an impulse received from without, by the example of many neighbouring cities. From the year 1100 to the year 1112 *communes jurées* were successively established, with various circumstances and results, at Noyon, Beauvais, Saint-Quentin, and Laon. In this last city the bishop was sole *seigneur*, and the gradua, abolition of the ancient municipal powers had taken

* We have remarked above upon the origin of the title of *échevins;* with respect to that of *mayor*, the period of its introduction into the nomenclature of the municipal offices is uncertain, and all that can be said is, that it was borrowed from the organisation of the great domains under the first and second races. Its usage, in many cities of the north and centre of Gaul, ascends, probably, to the time when the name and office of the *Defenseur* disappeared, by the absorption of this office into the seigniory of the bishop; it was the first stage of decline in the ancient municipal government, adopted in spite of this origin, by the communal revolution of the twelfth century: the title of mayor then received political prerogatives much higher than those of the heads of the Roman senate, or the Gallo-Frank municipality.

place to his benefit, and in his name; it was in opposition to his rights that the commune was formed, or, in other terms, that the *bourgeois* of Laon were associated for the mutual defence of their persons and properties, and for the establishment of a new constitution and an elective magistracy. The revolution, peaceably commenced, met with resistances which soon caused all the popular passions to be let loose; there was a civil war, attended with pillage and incendiarism, the bishop was slain in a tumult, and the *bourgeois*, in revolt, defended themselves against the king in person. These events, however sad and violent they might be, were well calculated to sow, by their very violence, the revolutionary spirit in the country bordering on Laon. We know, by the experience of our own times, what a part this kind of excitement plays in political movements, and how the flame is kindled step by step where the fuel is prepared. It was in the year 1113, at the height of the revolution of Laon, that the *bourgeois* of Amiens undertook to erect their city into a commune.

As we have seen above, Amiens was not in the same condition as Laon in regard to the seigniory of the city; the bishop there not only did not possess the whole temporal authority, but his power in the civil affairs was much inferior to that of the count; his right of jurisdiction did not extend beyond the peculiar domains of the Church, either within or without the

city; and even within these limits it was continually encroached upon. On the contrary, the jurisdiction of the count of Amiens embraced the whole extent of the city and of its precincts, with some particular exceptions. By means of the count, and for his benefit, had been effected the gradual destruction of the municipal jurisdiction, the more or less complete abolition of the ancient urban administration, the transformation of the municipal appointments, elective and for life, into hereditary feudal offices, and the substitution of peers holding their office in fief, and named viscounts, in the place of the elected judges, or *Scabins,* of the Carlovingian period. The seigniory of the count having thus absorbed all the political, civil, and judicial powers, the association, confederated under the name of commune by the inhabitants of Amiens, was nothing else in reality than a conspiracy against that seigniory.

In 1113 the county of Amiens was in the possession, with but slight legal claims, as far as appears, of Enguerrand de Boves, seignior of Coucy; and Geoffrey, who is reckoned as a saint by the Church, filled the episcopal chair. This man, full of zeal for the public welfare, and as enlightened as the spirit of his age allowed, perceived the lawfulness of the desire for independence and guarantees, both of life and property, which induced the *bourgeois* to unite themselves in a political body under its own government, capable of resistance and action. Less dis-

interested motives contributed to incline the bishop Geoffrey towards the party of the *bourgeoisie;* for, as we have already said, the revolutionary undertaking of the inhabitants of Amiens tended to create in the city a new power, entirely hostile to that of the count.

It is true that this power, once constituted, could, and indeed must, be turned against the episcopal seigniory; but this was a distant danger, which the bishop either did not foresee, or judged less important than the present danger. According to the words of a contemporary historian, he gave his countenance to the commune without any constraint, and although he was well aware of what had taken place at Laon, the frightful murder of one of his colleagues, and all the disasters of that city. By his mediation, probably, the *bourgeois* of Amiens entered into negotiations with the crown, and obtained, on payment of a sum of money, from Louis le Gros, the verbal or written sanction of what they had instituted; that is, of the association or commune, and of the new magistracies, which, emanating from it, were destined to maintain it, to give it the force of law and a form of government.*

* "Post funestum excidii Laudunensis eventum, Ambiani, rege illecto pecuniis, fecere communiam, cui episcopus, nulla vi exactus, debuisset præstare favorem, præsertim cum et nemo eum urgeret, et coepiscopi sui eum miserabile exitium, et infaustorum civium confligium non lateret." (*Guiberti abbat. de Novigento, de Vita sua,* lib. iii., inter ejus opera omnia, p. 515.)

This adhesion of the king determined the state of parties at Amiens, between whom an armed struggle was inevitable. On one side the commune, the bishop, the royal officers, and the *vidame* of the episcopal church; on the other, the count, Enguerrand de Boves, at first alone, but afterwards assisted by the governor, who, although he was not his liege-man, but the king's, joined his cause, and opened to him the fortress of the Chatillon.* Such were the actors and such the parts taken in the civil war which resulted from the erection of Amiens into a commune, parts the distribution of which agreed closely with the old reminiscences of its municipal history. The events which marked the revolution of Amiens have been recounted with prejudice and with a feeling of hatred by a contemporary, Guibert, abbé of Nogent. This account, however, when compared with other original documents, and stripped of its excessive partiality by the hand of criticism, gives some valuable information on the position of the two parties, on their claims, their efforts, and the various incidents of the struggle.

"Enguerrand, count of the city, (says the narrator whom I have just named,) seeing that the ancient rights of the country, as appertaining to him, were suppressed by the conspiracy of the *bourgeois*, treated them as rebels,

* "Ipse autem in fidelitate Ingelranni huc usque contra burgenses steterat .... et certe Adam regi hominium fecerat, nec ab eo defecerat, rexque eum in sua fide susceperat." (Ibid., p. 516.)

and attacked them with all the forces at his command. Moreover, he found an auxiliary in Adam the governor, and an advantageous position in the town which he commanded. Driven by the *bourgeois* from the city, he shut himself up in the tower."* Such are the hostilities which commenced a civil war of three years' duration in Amiens. The *bourgeois*, armed under the direction of the heads of their commune, were supported by all the forces of the bishop, and by the personal assistance of Guermond, *seigneur* of Picquigny, *vidame* or hereditary deputy of the bishop. During the whole course of the war, this help never failed them; and, at the commencement, they found an unexpected auxiliary in the very son of Enguerrand de Boves, the notorious Thomas de Marle, the most turbulent and cruel, perhaps, of the barons of the twelfth century. He had taken the side of the commune of Laon, which, no doubt, indicated to the citizens of Amiens that he might possibly become their ally. No doubt, also, large sums were the price of this alliance, on the strength of which Thomas, adopted as *seigneur* by the *bourgeois* of Amiens, took the oath of associate to the commune, and took arms against his father and the governor Adam.†

* "Videns itaque Ingelrannus, urbis comes, ex conjuratione burgensium, comitatus sibi jura vetusta recidi, prout poterat, jam rebelles armis aggreditur. Cui etiam non defuit Adam, sic enim vocatur, et suæ, cui præerat ipse, turris auxilium: a burgensibus ergo urbis pulsus, ab urbe in turrim se contulit." (Ibid., p. 515.)

† "Qui [burgenses], cum in comitem irremissis assultibus

During many months, the count and the governor, fortifying themselves in the tower of the Castillon, and pressed hard by the *bourgeois* and Thomas de Marle, were reduced to remain on the defensive; but Thomas, having received proposals of alliance and offers of money from his father, was reconciled to him, and bound himself by oath to turn his forces against the *bourgeois,* the bishop, and the *vidame.* From that time the face of affairs altered; the besieged assumed the offensive, and Thomas de Marle began to harass the city and to ravage the domains of the episcopal church, joining massacre and incendiarism to pillage.*

It appears that, in this crisis, a party of the *bourgeois,* and especially the clergy of the city, who adhered to their cause, were seized with great discouragement. Words of blame were heard against a revolution whose success seemed impossible. The bishop was bitterly reproached for having taken part in it, and for having excited troubles which it was not in his power to ap-

grassarentur, et Thomam, quasi amantiorem suum dominum, ad communiæ illius sacramenta vocantes, contra parentem, ut putatur, suum filium suscitarunt." (*Guiberti abbat. de Novigento, de Vita sua,* lib. iii., p. 515.)

* "Exhausto denique Thomas plurimo quem habebat thesauri cumulo, opem quoque Ingelranno spopondit contra burgenses, quibus cum vicedomino adnitebatur episcopus. Thomas igitur et Adam, qui turri præsidebat, cœperunt acerrime insistere vicedomino atque burgensibus. Et quamprimum, quoniam episcopum et clericos factæ cum burgensibus factionis arguebant, res pervasit Thomas ecclesiæ." (Ibid.)

pease. Geoffrey, depressed by these attacks, and perhaps doubtful himself of the cause which he had embraced, determined to absent himself from Amiens. In 1114 he sent to the archbishop of Rheims the insignia of his episcopal office, and retired into the monastery of Cluny, afterwards to the *grande chartreuse,* near Grenoble. He returned from that voluntary exile on the injunction of his archbishop, about the beginning of the year 1115.*

On his return he saw, at Beauvais, the celebrated Ives de Chartres, to whom he imparted the deplorable condition of the city and church of Amiens. The city was constantly being attacked by the garrison of the fortress; the fight carried on street by street; and the *bourgeois,* barricading their houses in order to defend themselves in them, carried all that was most valuable of their property to the monasteries in the neighbourhood.† All the lands of the bishop and chapter had

* "Cum ergo vidisset [Godefridus] suam nec clero nec populo præsentiam esse gratam, quia neminem juvare poterat, assumpto quodam nostro monacho, inconsultis omnibus clero suo ac populo libellum, ut ita dicam, repudii dedit, et archiepiscopo Remensi annulum, sandaliaque remisit, et se in exilium iturum, numquamque deinceps episcopum futurum, utrobique mandavit. . . . . Ipse enim turbam moverat quam sedare non poterat." (*Guiberti abbat. de Novigento, de Vita sua,* lib. iii., inter ejus opera omnia, p. 516.)

† "Extra muros urbis Ambianensis est monasterium S. Dionisii. In illud tum cives Ambianenses aurum, argentum aliasque res comportarant, monachisque diligenter asservandas commendarant. Sæviebat enim per id tempus in urbe seditio et bellum intestinum, et sicarii passim toto oppido vagabantur

been invaded by Thomas de Marle, and occupied by his troops. Ives de Chartres, when consulted with by the bishop on the best mode of proceeding in such a deplorable state of things, advised him to address the king, and solicit aid and succour, in the name of the public peace; and a letter, which he wrote himself to Louis le Gros, has been preserved to our days.*

The king, already appealed to against Thomas de Marle by the greater part of the bishops of the province

magnum omnibus terrorem afferentes." (Vita S. Godefridi Ambian. Episc., apud Surium, mens. Novemb., p. 224.)—"Referri non possunt ab aliquo, ne ab eis quidem quorum pars periclitabatur, factæ neces de burgensibus per turrenses, cum ante obsidionem, tum postea crebriores. Nullus enim apud urbanos actus erat, sed passio sola." (*Guiberti abbat. de Novigento, de Vita sua*, lib. iii., inter ejus opera omnia, p. 516.)

* "Domnus Godefridus Ambianensis episcopus, vir religiosus et honestus, nuper Belvaci hospitatus, ad colloquium nostrum pro humilitate sua venit, importabiles miserias suas et angustias, quibus a violatoribus pacis vexatur, lachrymabiliter nobis aperuit, et consilium quomodo tanta mala mitigare posset, a me anxie quæsivit. Quod cum excederet vires meas, quia consilium sine fortitudine inutile esse solet, hoc unum mihi præ cæteris occurrit, quatinus eum monerem, ut regiam majestatem adiret, apud quam et consilium inveniri, et auxilii fortitudo valeat sociari. Ex jure ergo fidelitatis et dilectionis monemus et rogamus regiam majestatem vestram, quatinus lachrymabiles ejus questiones intenta aure perpendatis, et cor vestrum aculcis doloris ejus, suggerente pietate, compungatis. Decet enim regiam majestatem vestram ut pactum pacis, quod Deo inspirante in regno vestro confirmari fecistis, nulla lenocinante amicitia vel fallente desidia violari permittatis." (*Ivonis Carnot. epist.*, apud. Script. Rer. Gallic. et Francic., t. xv., pp. 164 and 165.)

of Rheims, marched on Laon, punished this city for the excesses which had stained its revolution, and seized on many castles which belonged to the son of Enguerrand de Boves; he then directed his steps towards Amiens. In interfering in the desperate war which was being carried on between the *bourgeois* of this city and their count, Louis le Gros had not the pursuit of political projects in view—the execution of a plan conceived for the twofold interest of the crown and the people. On the report of the violences and profanations which were committed by the adversaries of the commune of Amiens, he raised his standard, and took part in the strife as the maintainer of the public peace, the defender of the weak, and protector of the churches.* The crown had not, at that time, conceived that any other part belonged to it; and it is the glory of Louis VI. to have filled this part on every occasion with an admirable courage and an indefatigable activity.

During these transactions, Thomas de Marle, in an encounter which he had with the *vidame*, received some wounds, which rendered him incapable of continuing the war in person; he retired to his castle of Marle, leaving the bravest of his soldiers in the tower

* "Mala autem ubique tanta egerat [Thomas] ut archiepiscopi et præsules pro ecclesiis quærimonia data ad regem dicerent, se in regno ejus Dei officia non facturos, nisi ulcisceretur in illum . . . . de his ergo ac similibus cum maximis ecclesiarum doloribus, apud regias cum impeterentur aures . . . collecto rex adversus eum exercitu." (*Guiberti abbat. de Novigento, de Vita sua*, lib. iii., inter ejus opera omnia, p. 517.)

of the Castillon, which was considered impregnable.* It was near Palm Sunday, A.D. 1115, that the royal army, small in number, but consisting of experienced veterans, reached the gates of Amiens. Geoffrey, the bishop, had been restored to all his political energy by the arrival of such assistance; on Palm Sunday he preached before the king, the army, and the citizens, a sermon, in which he promised the kingdom of heaven to all who might perish in the attack upon the fortress. Guibert de Nogent speaks of this discourse with indignation, mixed with classical reminiscences, and says that it was the speech of a Catiline rather than the word of God.†

On the following day the instruments of the siege were prepared against the tower of the Castillon, and the bishop betook himself with bare feet to the tomb of St. Acheul, to implore the divine assistance in favour of the besiegers.‡ The royal troops, together with the

* "Confossus membra vulneribus etiam in poplite lanceam hostis pedestris accepit. Qui cum alias, tunc in geniculo durissime læsus, vellet nollet, a cœpto desiit. . . . . Thomas igitur turri subvenire non potuit intra quam et filiam suam et militum suorum probiores dimiserat. . . . Thomas autem apud Marnam tuebatur se." (Ibid., pp. 516 and 517.)

† "Igitur, Dominica Palmarum, reversus a Carthusia, Godefridus episcopus, longe alia quam ibi didicerat, incipit propagare. Regem ergo arcessit, et die celebri ac verendo, ipsum et astantem populum adversus Turrenses, sermone habito, non Dei, sed Catilinario, irritare intendit, spondens regna cælorum his qui turrim expugnando perierint." (*Guibert. abbat. de Novigento, de Vita sua*, lib. iii., inter ejus opera omnia, p. 517.)

‡ "Postridie pro muro Castellionis (sic enim vocatur) ingentes

most determined and best-armed of the citizens, led by the king in person, made a general attack; but in spite of the enthusiasm of the assailants, and the power of the machines used to batter the walls, the fortress, well defended, resisted the attack. The machines were dismounted by the stones thrown down from the walls; many soldiers and citizens perished, and the king himself was wounded in the breast by an arrow, which pierced his coat-of-mail.* Considering the place too strong to be taken by assault, Louis VI. determined not to attempt another *coup de main,* but to turn the siege into a blockade; he left Amiens, having left some troops there, who, co-operating with the *bourgeois* and their party, were to surround the castle until the defenders were compelled, by famine, to surrender.†

The blockade of Amiens lasted nearly two years; it was not till 1117 that it surrendered to the royal officers, and that the commune thus became freed from all hostilities of a warlike character. The tower, and all the works of defence which protected it, were demo-

machinæ porriguntur, eisque milites imponuntur. Turrenses ante cortinis sese protexerant, ne esse eorum proderetur. . . . Episcopus vero nudipes ad Sanctum Aceolum, non tunc pro hoc exaudiendus, abierat." (Ibid.)

* "Et fervescente jactu missilium . . . etiam regem jaculo in pectore loricato læserunt." (*Guiberti abbat. de Novigento, de Vita sua,* lib. iii., p. 517.)

† "Videns igitur rex inexpugnabilem locum, cessit: obsideri jubens dum fame coacti se redderent." (Ibid.)

lished by the king's order;* but, in spite of the betrayal of his trust by the governor Adam, who, without any personal cause of grievance, had fought against his immediate *seigneur*, Louis le Gros did not deprive him of his fief nor of his seigneurial rights; but those rights were now attached only to a heap of ruins and to a large extent of land, which, eventually being joined to the city, and comprised within its circumference, retained through after ages, and still retains, the old name of the Castillon.† Enguerrand de Boves and his family were dispossessed of the county of Amiens, and the ancient family of the counts of Raoul reassumed its rights.‡

This family, which, so far from being connected with

* "Regressus, turrim ejusdem civitatis, Adæ cujusdam tyranni, ecclesias et totam viciniam dilapidentis, obsedit: quam fere biennali coarctans obsidione, ad deditionem defensores cogens, expugnavit, expugnatam funditus subvertit, ejusque subversione pacem patriæ, regis fungens officio, qui non sine causa gladium portat, gratantissime reformavit." (*Sugerii abbat., liber de Vita Ludovici Grossi regis*, apud. Script. Rer. Gallic. et Francic., t. xii., p. 42.)

† One of the parishes of Amiens is named Saint-Firmin en Castillon.

‡ "Et tam ipsum præfatum Thomam nequissimum, quam suos, dominio ejusdem civitatis perpetualiter exhæredavit." (*Sugerii abbat., lib. de Vita Ludov. Grossi*, ap. Script. Rer. Gallic. et Francic., t. xii., p. 42.) See above, p. 127, note. Adèle, sister of the Counts Simon, Gui, and Ives, and her husband, Renaud, Count of Vermandois, took possession of the county of Amiens in 1117; they transmitted it, in 1118, to their son-in-law, Charles of Denmark.

the struggle against the commune, owed its restoration to its municipal enfranchisement, was disposed to recognise what had been done, and to conclude the revolution by a pacific agreement, a regulation of rights, and a division of the government between the seigniory and the city. With regard to Geoffrey, the bishop, he died in the year 1116;* he did not live to see the organisation and prosperity in the midst of peace of the constitution which was, in part, his work. His memory, encircled with religious veneration, also richly deserved civil honours. Some day, perhaps, (and would that the present work might hasten that day!) we shall see raised in the midst of one of the public places in Amiens, the statue of Saint-Geoffrey, holding in his hand the compact of the communal association, and shall read on the unfolded roll those expressive words which formed the first article, and which contained the whole spirit of that civil compact: "Each shall observe fidelity to his confederate, and shall afford assistance and counsel in all that is just." †

* Enguerrand, who succeeded him, held to the party of the commune to the end of the war; he is once named by Guibert de Nogent, whose narrative ends before the taking of the Castillon: "Huc usque perseverat obsidio: et dici non potest quot de Burgensibus solis quotidie pene depereant. Adam vero extra positus, suburbia et Ingelrannum atque vicedominum crebris hostilitatibus urget." (*Guiberti abbat. de Novigent., de Vita sua*, lib. iii., inter ejus opera omnia, p. 517.)

† "Unusquisque jurato suo fidem, auxilium, consiliumque per omnia juste observabit." (Charter of the Commune of Amiens.)—See below the text of this charter.

The law of the commune, deliberated upon by the citizens after their association, under oath, was, according to all probability, in 1117, submitted to the acceptance of the family which recovered its seigneurial title, and then undoubtedly it became the object of a formal contract between the body of the citizens and the new count. This treaty, of which no mention has been preserved to our times, but the existence of which it is impossible not to conjecture, was the first charter of the commune of Amiens. The amount of the rights which the city had obtained for itself by its revolution, and the amount of those which, with a view to a lasting peace, it had acknowledged in its ancient *seigneurs*, were settled in this constitutional charter, in which the urban sovereignty was laid down as the principle and rule, and the seigneurial power as the exception. In the middle ages the supreme jurisdiction was the essential attribute of sovereignty. That of the count passed entirely into the power of the commune, with the exception of the attendance of his provost, who issued the summonses, prepared the cases, watched the judgments, but did not act as judge,* and with the exception of a share of the proceeds from fines, seizures, and judicial confiscations. The jurisdiction of the bishop and of the chapter was preserved intact within

* This was literally true in regard to criminal cases. In civil cases, especially where debts and obligations were concerned, the provost of the count could judge with the consent of the parties; otherwise the matter was brought before the municipal magistrates.

their ancient department; that of the *vidame* and governor seems to have been suppressed in their exercise, and retained in regard to their useful rights and pecuniary profits.* The dues of quit-rents, tolls, the liberty of passing from one part of the country to another, the mills and public ovens, remained in the possession of the *seigneur*, by virtue of his right over each portion of the communal territory; and, at a later period, when the commune wished to reunite these dues to their own domain, it was necessary to obtain them from each titulary by grant or by purchase.†

The commune of Amiens was supreme, for it had the right of governing itself by its own laws, and the right of life and death over all its members. According to the expression of the ancient jurisprudence, it possessed the administration of justice in the superior, mean, and inferior courts (*haute, moyenne, et basse justice*). Its legislative administration and judicial power were dele-

* The title of *Vidame* of Amiens, and the seigneurial rights attached to this title, continued in the family of the sires of Picquigny. The title of governor (*châtelain*) and the privileges retained by Adam continued in his family. They devolved by inheritance on the sires of Vignacourt, who, as *co-seigneurs* with the bishop, the count, and *vidame*, added to their Christian names the name *d'Amiens*.

† The proof of this fact, and the explanation of the terms which serve to specify the various classes of seigneurial dues, are found in a charter of Philip of Alsace, count of Amiens, granted in the years 1161 and 1185. (See this document, text and notes, in the first volume of the *Recueil des Monuments inédits de l'Hist. du Tiers Etat*, p. 74.)

gated by it to a body of elective magistrates, renewed every year, whose head bore the name of *mayeur*, and the members that of *échevin*, or the united titles of *échevin* and *prévôt*.* In this manner the old name of the elected judges of the Carlovingian constitution, which had disappeared under the feudal system, reappeared with a much wider signification, and the title of mayor, which was, perhaps, one of antiquity in the city, assumed a political importance of which nothing had been able to give a notion up to that time. The person elected to the office of mayor or *échevin* was obliged to accept it, under pain of banishment—a remarkable law, inasmuch as it revived and sanctioned, by entirely new guarantees, that principle of Roman legislation which made the municipal offices an obligatory duty.†

In the same manner as the senate of the Roman

* We find the title of *prévôt* in the *échevinage* of Amiens from the twelfth century, that is to say, two centuries before the acquisition made by that city of the *prévôté* of the king. (See Ibid., p. 96, a charter of 1177.)

† ". . . Et convient que chis qui pris est faiche le serment de le mairie, et se il ne veult faire, on abatera se maison et demourra en le merchy du roy, au jugement des esquevins.

"De rekief, se li maires qui eslus seroit refusoit le mairie et vausist souffrir le damage, jà pour che ne demoureroit qu'il ne fesist l'office ; et se aucuns refusoit l'esquevinage, on abateroit se maison et l'amenderoit au jugement des esquevins, et pour chou ne demoureroit mie que il ne fesist l'office de l'esquevinage." (Ancient custom of Amiens.) See the complete text of the custom, Ibid., p. 157 and the following ; see also Cod. Theod., lib. xii., tit. i., *de decurionibus*, and D. lib. i. tit. iv., *de muneribus et honoribus*.

times, the *échevinage* regulated the common property and managed the finances of the city; it regulated and administered the urban police; it gave authority to the acts of every kind; and constituted a tribunal charged with the repression of infringements on the ordinances of the police and the municipal regulations; but, as I have already said, its powers did not stop there. It joined the civil and criminal jurisdiction to the ordinary and correctional police; in every matter the common law could be modified by its decrees or by its jurisprudence. Lastly, as exercising the municipal sovereignty in the name of the body of the citizens, it sealed its acts with the seal of the commune, a seal which, for many centuries, bore for the legend, on its reverse, the words—*Secretum Meum Mihi.**

Although the charter of agreement by means of which, in the case of the commune of Amiens, the constitutional system succeeded to the revolutionary movement, no longer exists in its authentic character, we are able to give, not only its groundwork, but its probable form, after a subsequent act, in which it is encased, if I may so speak, and simply modified in

* The other side, properly called the seal, has—*Sigillum civium Ambianensium.* With respect to the money of Amiens, of which a celebrated specimen is the silver denier, which has for its legend—*Pax civibus tuis*, and which seems to belong to the second half of the eleventh century, there is nothing to show that, at the establishment of the commune, it had passed from its dependence on the count or the bishop to that on the municipal magistrates.

some of its formulas. I am speaking of the letters accorded by Philippe-Auguste, in 1190, to the *bourgeois* of Amiens, and granting, or, to speak more exactly, confirming their commune.* We might extract from the royal charter, as still more ancient, all that is found after the first article, which declares the reciprocal duties of the *jurés*, or members of the commune, up to the forty-fifth article, where we read: "All these rights only exist between the confederated; equality in justice does not exist between the confederated and him who is not confederated."† I should be warranted in suppressing, in these forty-five articles, the words *king* and *royal*, which, in my opinion, were introduced into it in 1190 by the chancery of Philippe-Auguste. The text, thus disengaged from the formulas, which seem to proceed from a revision made at a later period, would, by conjecture, be assigned to the year 1117, as being the original law of the commune of Amiens,—a law deliberated upon and voted at first by the *bourgeois*; then discussed by their heads and the new counts; lastly, accepted and ratified by the last. But however legitimate the hypothesis would have been in this case, according to my opinion, I shall not have recourse to it; I am saved the necessity, by a document which is undeniable,—by an authentic act of a date prior to

* See below, Section IV.

† "Omnia ista jura et precepta que prediximus majoris et communie tantum sunt inter juratos, non est equum judicium inter juratum et non juratum."

1190, in which, with some variations, are observed fifteen of the forty-five first articles of the charter of Philippe-Auguste. It is the charter of the commune of Abbeville, granted by John, count of Ponthieu, in the year 1184. The following is the preamble :—

"I, John, count of Ponthieu, make known to all present and to come, that my grandfather, the Count William Talevas, having sold to the *bourgeois* of Abbeville the faculty of making a commune, and that these *bourgeois*, having no authentic writing of this sale, I have granted to them, at their request, permission to have a commune, and to hold it in perpetuity, according to the rights and usages of the commune of Amiens, or that of Corbie, or that of Saint-Quentin, saving the right of the Holy Church, that which belongs to me, and to my heirs and my barons."* The last article of

* "Quoniam ea que litteris annotantur, melius memorie commendantur, ego Johannes comes Pontivi, tam presentibus quam futuris notum facio, quod cum avus meus comes Williermus Talevas, propter injurias et molestias a potentibus terre sue burgensibus de Abbatis Villa frequenter illatas, eisdem communiam vendidisset ; et super illa vendicione, burgenses scriptum autenticum non haberent, ad petitionem eorumdem burgensium, de assensu uxoris mee Beatricis et fratris mei Guidonis, et consilio hominum meorum, concessi eis communiam habendam, et tanquam fidelibus meis, contra omnes homines in perpetuum tenendam, secundum jura et consuetudines communie Ambianis vel Corbeie vel Sancti Quintini, salvo jure sancte ecclesie et meo et heredum meorum et baronum meorum." (*Rec. des Ordonn. des Rois de France*, t. iv., p. 55.) The commune of Corbie was established in the reign of Louis le Gros, by grant of that prince ;

the same charter is the following: "Lastly, if a dispute be raised between me and the *bourgeois* of Abbeville, which cannot be terminated by this writing, it shall be decided by the commune of Saint-Quentin, or that of Corbie, or that of Amiens."*

In comparing the text of the communal charter of Abbeville with the charters of the three communes which this city took for the model of its constitution and the rule of its penal law, there is no special article of the charters of Saint-Quentin and Corbie found there, but it is not so with regard to the charter of Amiens. With respect to this last, the imitation, not only of the matter, but also of the form, is striking; the division of subjects is preserved, without any attempt to give them more order or method; the order of the articles which were adopted has been followed, and the text of them has passed from one charter to another, with slight variations. In a word, it is evident that the compilers of the charter of Abbeville,

that of Saint-Quentin was granted at the beginning of the twelfth century, by one of the predecessors of Raoul I., count of Vermandois.

* "Ad hec si forte inter me et dictos burgenses meos, querela emerserit, que per hoc scriptum nequeat terminari, per communiam Sancti Quintini, vel Corbeie, vel Ambianis, terminata fuerit." (Ibid., p. 58.) The municipal cartulary of Abbeville, entitled the *Livre Rouge*, states, for the second half of the thirteenth century, and the following centuries to the sixteenth, that the *échevinage* of Abbeville had recourse to those of Amiens and Saint-Quentin in questions of law of the simplest nature.

granted in 1184, had under their eyes at least fifteen of the fifty-two articles of which the communal charter of Amiens, signed by Philippe-Auguste, in 1190, was composed.

These fifteen articles are the first seven, the 9th, 10th, and 11th, the 14th, 15th, and 16th, the 20th and the 44th. They treat of the duties of the confederated one towards another; of theft committed within the limits of the commune; of the safety of the traders who come to sell their goods in the city; of theft committed by a member of the commune, to the detriment of one of his confederates; of theft committed by one who is a stranger to the commune, to the detriment of a confederate; of blows dealt with the fist or hand; of wounds caused by means of arms, by one confederate to another; of wounds caused, and blows dealt, to a confederate by one who is not; of injurious words between confederates; of dangerous intentions entertained against the commune; of the plaintiff who does not follow up his complaint for the purposes of justice; of resistance to the summonses of the officers of the commune; of the crime of friendly relations with an enemy of the commune; of the imputation of false judgment against the judges of the commune; lastly, of agreements made before two or more members of the *échevinage*.

SECTION III.

ORIGINAL ARTICLES AND PRINCIPAL PROVISIONS OF THE COMMUNAL CHARTER OF AMIENS.*

"1. Unusquisque jurato suo fidem, auxilium consiliumque per omnia juste observabit.†

"2. Quicumque furtum faciens intra metas communie comprehendetur vel fecisse cognoscetur, preposito nostro tradetur, et quidquid de eo agendum judicio communionis judicabitur, ei fiet; reclamanti vero id quod furto sublatum est, si potest inveniri, prepositus noster reddet; reliqua in usus nostros convertentur.‡

"3. Nullus aliquem inter communiam ipsam commorantem, vel mercatores ad urbem cum mercibus venientes, infra banleucam civitatis disturbare presumat. Quod si

* Collection of unpublished memorials of the history of the *Tiers Etat.*

† The first article of the communal charter of Abbeville is drawn up in the following form: "Statutum est itaque, et sub religione juramenti confirmatum, quod unusquique jurato suo fidem, vim, auxilium, consiliumque prebebit et observabit, secundum quod justitia dictaverit." (*Rec. des Ordonn. des Rois de France*, t. iv., p. 55.)

‡ "Constitutum est etiam, quod si quis de furto reus apparuerit, captis omnibus rebus furis a vicecomite meo vel a ministris meis, exceptis rebus furtivis quas probare poterit esse suas, qui reclamaverit, res alie furis ad opus meum observabuntur. Fur autem primo a scabinis judicabitur, et penam pillorii sustinebit: postea vicecomiti meo vel meis ministris tradetur." (Communal Charter of Abbeville, art. 2.)

quis fecerit, faciat communia de eo, ut de communie violatore, si eum comprehendere poterit, vel aliquid de suo, justitiam facere.*

"4. Si quis de communione alicui jurato suo res suas abstulerit, a preposito nostro submonitus, justitiam prosequetur; si vero prepositus de justitia defecerit, a majore vel scabinis submonitus, in presentia communionis veniet, et quantum scabini inde judicaverint, salvo jure nostro, ibi faciet.†

* "Statutum est quod nullus mercatores ad abatis Villam venientes infra banlivam disturbare presumat. Quod si quis fecerit et emendare noluerit, si ipsum vel res suas comprehendere poterunt idem Burgenses, tam de ipso quam de rebus suis, tanquam de violatore communie, justitiam facient." (Charter of Abbeville, art. 3.)

† The spirit of this article is found in the fourth article of the charter of Abbeville, but with some variations in its drawing up, to suit it to the political and judicial organisation of the county of Ponthieu:—"Si inter juratum et juratum, vel inter juratum et non juratum de re mobili questio oriatur, ad vicecomitem meum de eo clamor fiet, vel ad dominum vicecomitatus illius in quo manebit qui fuerit impetitus; nisi ipse infra vicecomitatum meum inventus fuerit; tunc enim, tam de eo quam de rebus suis in meo vicecomitatu existentibus, vicecomes meus justitiam faciet; excepto eo quod personam jurati capere non poterit; et qui ab eodem vicecomite meo vel domino, per sententiam condempnabitur, si condempnatus judicio non comparuerit, a scabinis quod judicatum fuerit, exsequi compelletur." The fifth article of the charter of Abbeville ordains, that in any process relative to real property, the complaint shall be made before the *seigneur*. This article seems to correspond to the nineteenth article of the charter of Amiens, as follows:—"Statutum est etiam quod communia de terris sive feodis dominorum non debet se intromittere."

"5. Qui autem de communione minime existens, alicui res suas abstulerit, justitiamque illi infra banleucam se executurum negaverit, postquam hoc hominibus castelli ubi manserit notum fecerit communia, si ipsum vel aliquid ad se pertinens, comprehendere poterit, donec ipse justitiam executus fuerit, prepositus noster retinebit, donec nos nostram et communia similiter suam habeat emendationem.*

"6. Qui pugno aut palma aliquem de communia, preter consuetudinarium conturbatorem vel lecatorem, percusserit, nisi se defendendo se fecisse duobus vel tribus testibus contra percussum disrationare poterit coram preposito nostro, viginti solidos dabit, quindecim silicet communie et quinque justitie dominorum.†

"7. Qui autem juratum suum armis vulneraverit, nisi similiter se defendendo legitimo testimonio et assertione sacramenti, se contra vulneratum disrationare poterit, pugnum amittet, aut novem libras, sex silicet firmitati urbis et communie, et tres justitie dominorum, pro redemptione pugni persolvet, aut si persolvere non poterit in misericordia communie, salvo catallo dominorum, pugnum tradet.‡

* * * * * *

* "Si vero non juratus res jurati abstulerit, et quod justitia dictaverit, exequi noluerit, si ipsum vel res suas comprehendere poterunt, detinebunt, donec quod justitia dictaverit, eidem jurato exequetur." (Charter of Abbeville, art. 6.)

† "Qui pugno aut palma aliquem cum ira percusserit, nisi se aliqua ratione coram scabinis deffendere poterit, viginti solidos communie persolvet." (Charter of Abbeville, art. 7.)

‡ This article is blended with other provisions and new developments in the eighth article of the charter of Abbeville :—

"Item, si quis armis aliquem vulneravit, domus ejus a scabinis prosternetur, et ipse a villa ejicietur, nec villam intrabit,

"9. Qui vero de communione minime existens, aliquem de communia percusserit vel vulneraverit, nisi judicio communie coram preposito nostro justitiam exequi voluerit, domum illius, si poterit, communia prosternet, et capitalia erunt nostra. Et si eum comprehendere poterit, coram preposito . . . . per majorem et scabinos, de eo justitiam capiet, et catalla nostra erunt.*

"10. Qui juratum suum turpibus et inhonestis conviciis lacesserit, et duo vel tres audierint ipsum, per eos statuimus convinci, et quinque solidos, duos scilicet conviciato, et tres communie dabit.†

"11. Qui inhonestum aliquid de communia dixerit in

nisi prius impetrata licentia a scabinis: de licentia autem eorum, villam intrare non poterit; nisi pugnum misericordie eorum exposuerit, aut novem libris ab eisdem scabinis redemerit. Quod si domum non habuerit, antequam villam intret, domum centum solidorum quam communia prosternat, inveniet; et quod in curatione vulneris vulneratus expenderit, eidem a vulnerante in integrum restituetur; et si pro pauperate solvere non poterit, misericordie scabinorum pugnum exponet." The eighth article of the charter of Amiens completes this by a provision relating to the *assurements*, which is wanting in the charter of Abbeville.

* This article, in which the words *prévôt royal*, which belong to the revision of 1190, are read for the first time, is abridged in the following manner in the 9th article of the charter of Abbeville:—"Si autem non juratus juratum vel non juratum vulneraverit, et judicium scabinorum subire recusaverit, a villa expelletur et judicio scabinorum delictum punietur."

† "Qui vero juratum suum turpibus leserit conviciis per tres testes vel duos convinci poterit, et, in convictum, secundum quantitatem et qualitatem convicii, a scabinis pena statuetur." (Charter of Abbeville, art. 10.)

audiencia quorumdam, si communie propalatum fuerit, et se quod illud non dixerit, judicum communie judicio defendere noluerit, domum illius, si poterit, prosternet communia, ipsumque in communia morari, donec emendaverit, non patietur, et si emendare noluerit, catalla ejus erunt in manu domini . . . et communie.*

* * * * * *

"14. Qui, clamore facto de adversario suo, per prepositum et majorem et judices communie justitiam prosequi non poterit, si postea adversus eum aliquid fecerit, illum rationabiliter communia conveniet, ejusque audita ratione, quid inde postea agendum sit, judicabit.†

"15. Qui a majoribus et judicibus et decanis, scilicet servientibus communie, submonitus, justitiam et judicium communie subterfugerit, domum illius, si poterunt, prosternent, ipsum vero inter eos morari, donec satisfecerit, non permittent, et catalla erunt in misericordia prepositi . . . . et majoris.‡

* This article has the word *Regis* after the word *Domini*, evidently substituted for *comitis* in the revision of 1190; it is thus abridged in the 2d article of the charter of Abbeville: "Qui vero inhonestum de communia dixerit in audiencia, et convinci poterit testibus, judicio scabinorum emendabit."

† We must understand by the words *justitiam prosequi non poterit*, not, shall be unable to obtain justice, but shall be prevented by any cause from following up his claim. This article is thus reproduced in the 14th of the charter of Abbeville: "Item, si quis de alio super aliquo clamorem fecerit et ei a judice justitia fuerit oblata, si postea sine auctoritate judicis, adversario suo injuriam fecerit, a scabinis super hoc conventus, ejusque audita responsione, quid super hoc agendum sit, a scabinis statuetur."

‡ In the charter of Abbeville this provision does not form

"16. Qui hostem communie in domo sua scienter receperit, eique vendendo et emendo et edendo et bibendo vel aliquod solacium impendendo communicaverit, aut consilium aut auxilium adversus communiam dederit, reus communie efficietur, et, nisi judicio communie cito satisfecerit, domum illius, si poterit, communia prosternet, et catalla . . . erunt.*

* * * * * *

"20. Qui judices communie de falsitate judicii comprobare voluerit, nisi, ut justum est, comprobare potuerit, in misericordia . . . . est et majoris et scabinorum, de omni eo quod habet.†

* * * * * *

"44. Si conventio aliqua facta fuerit ante duos vel plures scabinos, de conventione illa amplius non surget campus vel duellum, si scabini qui conventioni interfuerint, hoc testificati fuerint.‡

a separate article; it forms a part of the 12th article, which will be given in the following note.

* In this article, instead of *catalla regis erunt*, the reading must originally have been *catalla comitis erunt;* it is thus abridged in the 12th article of the charter of Abbeville: "Item, qui hostem scienter communie receperit in sua domo, et si participaverit in aliquo inimicus communie efficietur; et nisi judicio communie satisfecerit, tam illius quam alterius jurati qui judicium scabinorum subterfugerit, domus prosternetur."

† Instead of the words *in misericordia regis*, the reading must originally have been *in misericordia comitis;* it is again found, with some variations, in the 19th article of the charter of Abbeville: "Sciendum est etiam, quod quicumque scabinos de falsitate judicii infamaverit, nisi eos legitime convincere poterit, unicuique novem libras et aureum obolum persolvere tenebitur."

‡ "Preterea statutum est, quod si in presentia duorum vel

"45. Omnia ista jura et precepta que prediximus majoris et communie, tantum sunt inter juratos; non est æquum judicium inter juratum et non juratum."*

These sixteen articles, of which fifteen belong in an authentic manner, and one by conjecture, to the earliest communal law of Amiens, imply the existence of a city in the political meaning of the word, *i.e.*, of a city which is formed into a corporation and is self-governed, and which, in spite of the restraints which the times and circumstances may impose upon it, acts and pronounces with supreme authority on its own particular affairs. Like every political body, the commune of Amiens is restricted in two ways—in its action and in its rights: on one side by the limits of its territorial *circonscription*, and on the other by the legal distinction between the citizen and the stranger; or, according to the language of the new constitutional law, between him who belongs to the *commune* and him who does not, between the confederate (*juré*) and the non-confederate (*non-juré*). The district in which the juris-

trium scabinorum, contractus emptionis, venditionis, permutationis, pignoris vel alius contractus initus fuerit, eorum testimonio causa disrationabitur; salvo jure meo in eo qui convictus fuerit. Hoc idem erit, si carta publica et autentica a majore et scabinis tradita, dictis scabinis non apparentibus, fuerit producta." (Charter of Abbeville, art. 26.)

* This article is evidently original; we give it as such, although it is not repeated in any shape in the charter of Abbeville.—Below, Section IV., p. 187, see the complete text of the communal charter of Amiens.

diction of the city is exercised, and in which the authority of its magistracy extends to all, is first within the walls—the ancient *cité*, next without the walls—the precincts (*banlieu*), either determined according to the tradition of the old municipal recollections, or settled recently by agreement between the commune and the count. The city of Amiens thus enjoyed within these ancient limits, and in consequence of its revolution, the full exercise of the three sorts of right—the right of political liberty, the right of the administration of criminal justice, and also that of civil. The two last, as we have seen above, were, in a certain degree, inherent in the Roman as well as in the Gallo-Frank municipality; but the first, carried to such a height as to make the city a state possessing the right of war and peace with respect to its neighbours, and the right of legislation with respect to itself, was a state of things which had never before been witnessed—the original work of the twelfth century. In order to guarantee this privilege of urban sovereignty, there were at that time instituted, with a marvellous instinct, new constitutions, new magistracies, and an entirely new assumption of municipal power and independence.

It is a circumstance calculated to surprise at first sight, that the political right, the most exalted of all the new rights acquired by the city of Amiens, is the one which plays the least important part in its communal charter. Except the brief declaration of the reciprocal duties and exclusive privilege of those who

have taken the oath of the commune, and except the mention of the crimes of treason against the commune, and the infringement of its rights,* everything in respect to regulations and constitutional provisions appears to be silently implied. The *échevinage,* that supreme council to which all the powers of the commune were delegated, is merely named, by way of remembrance, in regard to the offences, the judgment of which is to belong to it henceforward. We are not told what is the number of its members, nor their different duties, nor the mode of their election, nor the revenues by means of which they are to administer the interests of the city. This omission is explained by the nature of the deed, which is an agreement made between the city and the count of Amiens, and by the state of political ideas, so different in the twelfth century from what they are at the present time.

The armed dispute between the *bourgeois* and their *seigneur* having been terminated by the defeat of the seigneurial government, the confederation, the commune was recognised by the count, together with the institutions which it had newly created; and it was of little consequence to the count under what form it should be organised for the future; no new dispute could result from that; there was, therefore, nothing under this head to require regulation in the compact of agreement.

* "Reus communie efficietur." (Communal charter of Amiens, art. 16.) "Faciat communia de eo ut de communie violatore." (Ibid., art. 3.)

The particular constitution of the commune of Amiens, the mode of electing its magistrates, the division of the duties between the various magistracies, the deliberations of the whole body of the *bourgeois*, as well as those of the supreme council, were points affecting the commune alone; its free decision in this respect was derived from the very fact of its existence. The *seigneur* had no interest to interfere in them, and the commune itself, on its part, was not driven by any pressing motive of utility to desire that any express and detailed account should be made of these arrangements of internal government.

But, as we have already said, the jurisdiction was the fundamental point, the most striking attribute of sovereignty in the twelfth century: in this the commune of Amiens discovered the right most liable to be disputed—the right which the dispossessed *seigneur* might resume in detail, diminish, question, or shackle it in its exercise, by the daily interference of his officers—the right, lastly, which it was absolutely necessary to guarantee for ever, by specifying, in an authentic manner, the various cases which constituted the full and entire application of it. The exercise of the right of justice heretofore belonged to the commune, but the profits attached to this right were to be divided between it and the *co-seigneurs* of Amiens; now it was necessary that this division should be expressly regulated for each kind of crime or offence. Among all those which the communal charter enumerates without regard to order, we

can distinguish three classes:—1. Crimes and offences against the commune, regarded as a body politic; 2. Crimes and offences against the persons of individual *jurés*, or members of the commune; 3. Crimes and offences against the goods of the *jurés*. The first category, that of political offences, is the most curious, because it forms the entirely new part of the municipal right of Amiens, and there was no usage or local tradition to supply the elements of it. This class of offences presents the peculiarity, that punishment, properly so called, is not appointed for any of them, but only a preliminary vengeance, which consists in the demolition of the house of the guilty, and his expulsion from the territory of the commune, until he may have given full satisfaction.

The first of state-crimes is the act of connivance or friendship, or merely pacific relations with an enemy of the commune. "He," says the charter, "who shall knowingly have received into his house an enemy of the commune, and shall have communicated with him, either in buying and selling, in eating and drinking, or in rendering him any kind of service whatever, shall be guilty of treason against the commune."* Whoever hinders the free passage of persons belonging to the commune, or of merchants who come to the city through its precincts, is considered as a violator of the commune, and to be treated as such.† Whoever flies

* Charter of Amiens, art. 16; charter of Abbeville, art. 12.

† Amiens and Abbeville, art. 3.

from justice is to be punished with banishment, and his house is to be destroyed.* Whoever makes injurious remarks upon the commune incurs the same punishment.† Such are the provisions common to the charters of Amiens and Abbeville, that is to say, to those which are authenticated as more ancient than the royal act of 1190. If we proceed further, and remark in this act other provisions, which are also probably original, we shall find the penalties of the political crime, the destruction of the house and banishment, applied to him who wilfully violates the constitutions of the commune, and to him who, when injured in a quarrel, refuses the composition adjudged, and likewise refuses to give security to his adversary.

A less penalty—for it requires the destruction of the delinquent's house alone, unless he prefers paying the value of it — is imposed on him who uses insulting language to the mayor while in the discharge of his duties, and on him who strikes one of the *jurés* sitting in court before the magistrates.‡ In this manner the destruction of the house — the vengeance of the commune when injured by treason or outrage — was at once a punishment in itself, and the token which rendered the sentence of conditional or absolute banishment more terrible in imagination. It took place in

* Amiens, art. 15; Abbeville, art. 12.

† Abbeville and Amiens, art. 11.

‡ See below, Section IV., articles 18, 8, 37, and 39, of the charter of Amiens.

the greater part of the communes of the north of France, with a gloomy and imposing solemnity, in the presence of the citizens, who were summoned by the tolling of a bell: the mayor struck the house of the condemned with a hammer, and workmen, employed in the public service, proceeded to the demolition, which they continued till not a stone remained.

An inexplicable peculiarity of the communal charter of Amiens is, that the crime of homicide is not even mentioned in it; nothing, in this respect, is either appointed or provided for. This omission, of which the cause escapes our inquiry, cannot induce us to believe that the punishment of voluntary or involuntary bloodshed was left in 1117 to the jurisdiction of the count, for such a reservation could not have failed to have been formally stated; and it is, moreover, proved that, in the years which followed, the commune exercised the right of high justice, which exercised, as was then said, the judgment in cases of blood.* In 1190, when Philippe-Auguste, become count of Amiens, reserved to himself, as belonging to the prerogatives of royalty, cases of rape and murder, that is to say, assassination, he made this reservation the subject of an additional article to the original charter, and from that time the jurisdiction of the commune, limited on this point, always continued to act in cases of homicide com-

* *Judicium sanguinis.* In the first volume of the *Rec. des Monum. inéd. de l'Histoire du Tiers Etat,* p. 99, see a letter of Stephen, abbé of St. Geneviève.

mitted with violence, or by simple accident. A custom of the city of Amiens, drawn up before 1250, lays down as the recompense of blows dealt with arms, "life for life, limb for limb."*

Another peculiarity of the charter of Amiens is, that all the penalties which it pronounces resolve themselves, or seem necessarily to be resolved, into pecuniary penalties. The person who has wounded one of his *jurés* is to lose his hand, or pay nine livres for the redemption of it; the house of the person who has insulted the mayor is to be pulled down; but the delinquent can redeem it at its value, *at the mercy of the judges.*† The words, *mercy of the commune* (*misericordia communiæ*), occur

* "Derechief, quiconques par ire faite ferra autrui ou navrera, par coi il perde" vie ou membre, celui pleinement membre perdera, vie por vie; s'il est tenus que " il s'en soit fuis, il sera banis et eskix de la banliue, sor le hart à tous jors." (In the *Rec. des Monum. inéd. de l'Hist. du Tiers Etat*, t. i., p. 121, see the complete text of this custom.) The commune of Abbeville, the penal law of which was modelled after that of Amiens, in the twelfth century, fills up, by a special article of its charter, the void which existed in the charter of the model commune:—

"Si quis fortuito casu vel precedente inimicitia, juratum suum occiderit, et super hoc convictus fuerit, domus ejus et omnia ad ejus mancionem pertinentia, prosternantur. Si vero Burgenses malefactorem poterunt invenire, de eo plenam justiciam faciant." (Charter of Abbeville, art. 20; *Rec. des. Ordonn. des Rois de France*, t. iv., p. 55.)

† "Novem libras pro redemptione pugni persolvet . . . . Aut, secundum pretium, domus in misericordia judicum redimatur." (Communal Charter of Amiens, art. 7, 37.)

again and again in regard to the fines, which, in the cases of the greatest importance, have no fixed amount. Besides the undefined satisfactions which were exacted by these formulas, *nisi cito satisfecerit, donec satisfecerit,* appear to have been nothing more than penalties at discretion.

This system of penal law was not, like the system of political organisation, a new institution, a creation of the commune; it was the ancient customary law of the city and county of Amiens. The application of pecuniary penalties for all kinds of crime was introduced, as a principle of law, into the midst of Roman Gaul at the invasion and settlement of the Germanic populations. So long as the distinction of the laws, as they affected individuals, continued, this principle was limited, in its action, to the judgments pronounced against men of barbarian origin. The descendants of the Gallo-Romans continued subject to the penalty of the Roman laws, and, as is known, the cities, even those of the north, were almost entirely peopled by indigenous inhabitants. But when the laws affecting individuals yielded and disappeared under the territorial jurisdiction of the *seigneurs,* and local usages were everywhere substituted in the place of the written laws, custom, within the cities as well as beyond them, necessarily favoured and developed the system of pecuniary penalties, at the expense of every other system.

In effect, the right of justice having become the

property of the *seigneur*, as the administrator of it, he felt it his principal interest to draw the best revenue possible from this property; hence it happened, that in the law of custom, at its earliest period, fines predominated over corporal penalties, and that, with respect to these last, the power of ransom was almost always allowed. When, by the municipal revolution in the twelfth century, the jurisdiction of the *seigneurs* in the cities was entirely, or in part, transferred to the cities themselves, they did not even think of making a new penal law. In this respect, as in the case of the civil law, they held to custom, and did not dream of making any innovation. Besides, even if they had perceived the necessity of it, a necessity more imperious of providing for the expenses of the public administration, of availing themselves of the financial resources for the present and future, would have decided them upon maintaining the old penal system, the returns of which must, for a long time, be regarded as the most abundant source of their municipal revenues.

The division of the judicial profits between the commune of Amiens and the *co-seigneurs*, whose jurisdiction was absorbed in its own, took place in a different manner with respect to the fines, properly so called, and the confiscations. With respect to the fines, the general rule of their division was,—two-thirds for the commune, and one for the count or the *seigneur*, within whose fief the crime had been committed; by exception,

however, the commune sometimes received three-fourths of the fines, and sometimes the whole.* With respect to the confiscations of chattels (*capitalia, catalla*), which, in the case of crime, formed part of the penalty, the absence of figures to determine their division affords reason to believe that the shares were equal between the commune and the *seigneur*; there were cases, however, in which the count, instead of the half, took the whole.†

The share which the commune of Amiens received from the sum total of its right of jurisdiction was, during the twelfth century, the principal branch of its ordinary revenues. It is doubtful whether the right of taxation, which the *échevinage* possessed over all the members of the commune, was exercised periodically, and in other cases besides those of strict necessity. The remainder

* "Novem libras, sex scilicet firmitati urbis et communie, et tres justicie dominorum, pro redemptione pugni persolvet. . . . . Novem libras dabit, scilicet sex libras communie et LX solidos justicie dominorum. . . . . Ille malefactor LX solidos persolvet; et de his habebit justicia dominorum viginti solidos. . . . . Viginti solidos dabit, quindecim scilicet communie et quinque justicie dominorum. . . . . Viginti solidos communie persolvet, ibi justicia dominorum nichil capiet." (Communal Charter of Amiens, art. 7, 38, 41, 6, and 40.)

† ". . . . Et . . . . catalla ejus erunt in manu domini *regis* et communie. . . . . Et catalla erunt in misericordia prepositi *regis* et majoris. . . . . In misericordia *regis* est et majoris et scabinorum de omni eo quod habet. . . . . Et catalla nostra erunt. . . . Et catalla *regis* erunt." (Ibid., art. 11, 15, 20, 9, and 16.)—We must remember that the word *regis* belongs to the revision made in 1190.

of the annual revenue consisted of the quit-rents paid by the tenants or farmers of the houses, lands, water-courses, fisheries, and garden-grounds, which belonged to the city, either as remains of the ancient municipal property, or in virtue of grants made by the count to form the new precincts. Moreover, there is ground to believe that a duty on the sale of real property,—a duty which, in the ancient registers of accounts, is called *issue de deniers*,—was collected from the commencement by the commune. Lastly, a fee (*un droit de nouvelle bourgeoisie*) was paid by each stranger who became a citizen of Amiens, or, as it was then expressed, was admitted into the commune (*entrait dans la commune*). This fee answered to the original contribution which, after the principle of the guild, all the members of the confederation had simultaneously deposited to form the first funds of the communal chest. With respect to extraordinary supplies, they were obtained by collections in money or in kind, and from loans which the commune contracted, on the security of stocks given on interest for life, or in perpetuity, at a higher or lower rate.

Such were the financial resources by means of which the *bourgeoisie* of Amiens were to provide for the expenses of its free government; for, as we have said above, the indirect taxes, collected in the city and its precincts, the duties on merchandise brought or exposed for sale, the customs and tolls, did not belong to it. With such slight resources the body of elective magis-

trates boldly took upon it the charge of internal order and external security, the custody of the city, the maintenance of the fortifications, the defence of all the civil interests. Probably, from the commencement, each member of the municipal body had the sphere of his public duties traced beforehand, and his department clearly defined. There were, in the body of the *échevinage,* special officers to discharge each branch of the administration, political affairs, civil and criminal judgments, finances, supervision of morals, control of streets and buildings. In consequence of the paucity of contemporaneous documents, it is, unhappily, impossible to define the demarcation of the different departments and respective duties of the magistrates; but we must suppose that they did exist at that time; and if they were not the same as appear afterwards, they were at least arranged according to some rule. In a word, if we wish to understand the full meaning and drift of acts which are too scarce or too incongruous to convey a clear impression, we must remember, at least, that we have now reached a period when municipal life appears in its full vigour.

SECTION IV.

Grant made by Philip of Alsace, Count of Amiens—Cession of the County of Amiens to Philippe-Auguste, King of France —Confirmation of the Commune—Additional Articles of the Communal Charter of Amiens; its definitive Text.*

In 1161 Philip of Alsace, count of Flanders and Amiens, with the consent of his wife, Isabel, made a grant to the abbey of Saint-Jean-lez-Amiens.† The following words occur in the deed which was then drawn up: "I direct and prescribe to the mayor and the whole commune of Amiens, as well as to all others who owe me allegiance, to maintain in peace the pro-

* *Recueil des Monuments inédits de l'Histoire du Tiers Etat*, t. i., pp. 66, 101, 104, and following.

† The date of the accession of Philip of Alsace to the county of Amiens is very uncertain. Du Cange (*Histoire des Comtes d'Amiens*, p. 316) admits that Raoul II. of Vermandois presented the county of Amiens as a dowry to his daughter, Isabel, and that on the death of Raoul this domain passed into the hands of Isabel, who married, in 1156, Philip of Alsace. If this conjecture is adopted, it is necessary to suppose that Raoul III. only succeeded his predecessor in the county of Vermandois. According to another opinion, which seems much less probable, Raoul III. might have possessed the county of Amiens till the year 1164, the time of his death; and before this date Philip of Alsace and Isabel might not have assumed the titles of Count and Countess of Amiens, except as the governors of the county during the minority or illness of their brother.

perty of this church, and if it happen to be disturbed or attacked, to afford it assistance and protection in my stead." * It is as successor to the ancient counts, and heir of their seigneurial rights, that Philip of Alsace addresses this injunction to the citizens, and speaks to them as their supreme lord. We should not, however, infer from this imperative form of expression that his power was greater at Amiens in 1161 than that of the commune. From the year 1117 the political government within the city and its precincts belonged entirely to the *bourgeoisie.* The words which I have quoted, then, contain an appeal to the effective means of the commune rather than a delegation of the seigneurial power. In the year 1170 a letter of the count, Philip, placed in the same manner another abbey under the protection of the civic body. This letter, like that of 1161, proves, in my opinion, that the commune alone had at that time sufficient strength and authority to protect the civil and ecclesiastical possessions in an efficient manner, and to maintain peace and good order throughout the whole of the territory subjected to its jurisdiction.

Philip of Alsace, having lost his wife Elizabeth in

* "Majoribus totique communie Ambianis ceterisque meis hominibus mando et præcipio quatinus ejusdem ecclesie res in pace custodiant et eidem ecclesie in suis perturbationibus loco meo patrocinari non desistant." (*Rec. des Monum. inéd. de l'Hist. du Tiers Etat,* t. i., p. 67.)

1182, still kept possession of all the fiefs which she had brought to him as her dowry. Eleanor of Vermandois reclaimed the inheritance of her sister, and Philippe-Auguste, to whom she had secretly ceded a part of Vermandois and Amiénois, put in his claims to these domains. A war, already excited on account of them between the king and the count of Flanders, was terminated by putting Amiens in sequestration into the hands of the bishop of that city. Philippe-Auguste again took arms in defence of the interests of Eleanor in 1184; and the following year, Philip of Alsace, compelled to resign, abandoned all his rights over the county of Amiens to the king.

This cession would necessarily react upon the constitution of the commune. As king and count at once, Philippe-Auguste found himself suddenly invested with a twofold power in the city of Amiens. Without giving up his feudal title of count of Amiens, he took care to show in all his acts that royal power, which placed him above the *seigneurs* whose position he occupied, and he clearly established the difference which existed between his authority and that of the ancient counts. The latter, when they took possession of the county of Amiens, had to do homage to the bishop; Philippe-Auguste did not choose to discharge a formality which would have made him resemble a simple baron, and have been contrary to the idea of absolute sovereignty attached to the title of king. The follow-

ing is an instance of the manner in which he expressed himself in a charter granted to the church of Amiens in 1185:—

"Let all, present and to be, know, that Philip, count of Flanders, having resigned to us the city and county of Amiens, we have clearly recognised the fidelity and devotion of the church of Amiens towards us; for not only has it displayed much devotion to us in this matter, but, besides, seeing that the tenure of the above-mentioned land and county belong to this church, and that it has the right of homage for them, this church has indulgently consented and agreed that we should hold its fief without rendering it homage, for *we neither ought nor can render homage to any*." *

The union of the county of Amiens to the crown could not, as we have said, remain without influence on the destinies of the commune. The relations of the *bourgeois* to the count and his officers had been determined in the charter which was drawn up in 1117; but the new order of things of necessity brought on a change, if not in the constitution of the city, and the nature of its relations to its immediate *seigneur*, yet at least in the manner of regulating, and especially of expressing, these relations. In this respect it was necessary to fix the principles and to certify the facts by an authentic document. In passing, moreover, under

* *Hist. de la Civilisation en France*, edition of 1840, t. iv., p. 142. See the general considerations with which M. Guizot has enriched this quotation.

the power of a new *seigneur*, the *bourgeois* of Amiens could not help feeling the necessity of making their municipal franchises known to him, and much more as that new *seigneur* was the king of France, who had united in his own person the entire local right of the count, and the general right of the sovereign. Such was the double object of the charter granted in 1190 by Philippe-Auguste, at the request of the *bourgeois* of Amiens — a charter which conceded (*concéda*) to them, according to its official tenour, or, more accurately, guaranteed to them, the establishment of the commune confederated in 1113, and constituted in 1117.

This charter, far from being a new act, only repeated, with the exception of certain modifications of form, and the regulation of certain more direct relations between the city and the royal power, the text of the charter which emanated from the first successor of Enguerrand de Boves. It consists of three distinct parts; to wit, 1, forty-five articles, which, in my opinion, formed the first charter which was deliberated upon by the *bourgeois*, and agreed to by the count, after the communal revolution; 2, a *memorandum* concerning the redemption of tolls, effected by the commune between the years 1144 and 1164;* 3, six additional articles annexed by the chancery of Philippe-Auguste to the original charter, when this charter was examined and revised.

* See the first volume of *Rec. des Monum. inéd. de l'Hist. du Tiers Etat*, p. 86.

It is easy to prove the history of this revision from the text of the document itself. The original of the constitutional act of 1117 existed from this date in the archives of the commune of Amiens; about 1160 was inscribed at the foot of this original, after the signatures, the memorandum relative to the redemption of tolls; and in this condition the charter was conveyed to the royal chancery, which maintained both its provisions and its form, with the exception of some alterations in the words. In the articles in which the title of count occurred, the title of king was substituted simply and without addition; the rest of the text was not subjected to the least correction; the formulas *præpositus noster* and the simple word *præpositus*, which had served to designate the *prévôt* of the count of Amiens, were retained to designate the *prévôt* of the king.* The signatures attached in 1117 were suppressed, and a memorandum of this suppression was made the subject of an article, the forty-sixth, after which the royal officers, without troubling themselves about the incongruity, placed their six additional articles.

These provisions, derived from a different source, formed the official code, the body of written law, by which the commune of Amiens was henceforth governed. I shall say nothing of the memorandum, which was placed by chance among the legal articles. With respect to the forty-five articles, of which I have already spoken in the notice which I took of those, which their

* See below, articles 2, 5, 6, and 9, 8, 12, 14, 31, and 43.

agreement with the charter of Abbeville points out as undoubtedly original, I have already examined them under two heads, that of the political and that of the criminal law. I shall now examine them under the head of the civil law, of which no mention has been made above, as the commune of Abbeville, finding in its local customs rules of civil law, did not borrow anything in this respect from the text of the communal charter of Amiens.

The civil usages, indeed, sanctioned by this charter in 1117, were of immemorial antiquity in the city and county of Amiens; they had existed long previously to the commune; and when the difference in the political institutions took place, they were registered, not decreed, by the enfranchised *bourgeois*. Two principles of law seem to have been then proclaimed for the first time; the one which restrained the abuses of the trial by duel, by appointing that no hired champion should be allowed to engage with a member of the commune;* the other, which, no doubt, derogating from the ancient custom, ordered that the accuser, the accused, and the witness might, if they chose, make themselves heard in every case by advocates.†

The traditional provisions which passed into the communal charter of Amiens from the ancient custom must be referred to three sources,—the Roman law, the traces of which, however faint and indistinct they may be, exist at the base of all our customs; the ancient law

* Article 17. † Article 33.

of the German populations; and that common law of the middle ages which is called the feudal law.

No article of the charter can be pointed out in particular as being derived from a formal text of the Roman law. The provisions of the 21st, 23d, 22d, 35th, and 32d, have reference in a greater or less degree to the German laws. Under the name of *dot,* the 21st article points out the dowry assigned by the husband to his wife, and declares it inalienable, without saying what its nature was in the usages of the city of Amiens—whether it were settled by custom, or merely conventional. The 23d article shows that the widow who had children under age was subjected to a sort of guardianship, and placed under the direction of a protector, whom some customs name a *mainbourg.** The 22d and 35th have relation to the division of property acquired during marriage, and in certain cases secure the revenue derivable from them to the surviving party.† Lastly, the 32d article declares the purchaser of a stolen object, who alleges his ignorance, not punishable, and it allows the judge in this case to exact the oath of both parties.‡

The provisions which are derived from the feudal law are found in the articles, in which the judicial com-

* See Laurière, *Gloss. du Droit Français,* on the word *mambournie.*

† See the law of the Ripuarians, under head 39.

‡ See the Salic Law, under heads 39 and 49 of the *lex emendata.*

bat is allowed, under certain restrictions, as a means of terminating civil suits; in the twenty-fifth article, which consecrates, while at the same time it modifies, the principle of redeeming family property; and in the eighth article, which establishes a penalty against a person who, being injured, refuses to give *assurement*, that is to say, security to keep the peace to his adversary.*

I call the attention of the reader, moreover, to the following provisions:—The twenty-sixth article fixes seven years as the term necessary to acquire the right of prescriptions. It is known that usage on this point has varied according to times and countries; and there is reason to believe that the charter of Amiens did no more than sanction a rule of local law, which could not be referred to any legislation. The forty-second article, which treats of injurious language made by one *juré* towards another, places, in the first line, as the most serious offence, the application of the name of serf. The thirty-sixth and thirty-seventh articles lay down a different penalty for injury done to the *maire* in the discharge of his duties, and for injury done to the *prévôt*; outrage on the person of the *maire* is a political crime, punished as such by the destruction of the delinquent's house; outrage on the person of the *prévôt* is a fault to be compounded for by agreement, after judgment given by the *échevins*, and without public punishment. The mainte-

* Beaumanoir, ch. 59, defines *assurement* one of the four ways to put an end to private feuds.

nance of these provisions in the revised charter of 1190 is worthy of remark. It proves that if the *prévôté* exercised at Amiens in the name of the king had some prerogatives above those of the ancient *prévôté* of the count, it was not any more than the latter a constitutional power; and, in regard to its dignity, it was still kept under the communal magistracies.

I now come to the six articles which contain the new provisions added to the original charter by the chancery of Philippe-Auguste. Their substance is as follows:—Suits relative to real property within the city shall be judged by the *prévôt* in open court three times a-year.—All crimes and offences shall be judged by the *maire* and *échevins* in presence of the *bailli* of the king, if he wishes to be present at the judgment; if he does not wish, or is unable to be present, justice shall be administered without him, except in the case of murder and abduction, which are reserved for the king.—The goods of homicides, incendiaries, and traitors, shall be confiscated to the king alone, without division with any other, that is to say, with any *co-seigneur*.—None shall have power to make a proclamation (*ban*)* in the city, except by permission of the king and the bishop.—The king, the *sénéchal* or the *prévôt* of the king, the bishop and the *maire*, shall have power, each once a-year, to admit an exile into the city, except in a case where condemnation has been pronounced for murder, homicide, incen-

* Ordinance, proclamation. (See Du Cange, *Glossar.*, on the word *bannum.*)

diarism, treason, and abduction. Such is the substance of the five first articles. With respect to the sixth and last, it is thus conceived :—" We will and grant to the commune, that it shall never be lawful for ourselves or our successors to cede away the said commune or city of Amiens, but that it shall remain in perpetuity, and without change, united to the royal crown." A guarantee was implied in this promise for the constitution and franchises of the city, which were henceforth secured against the dangerous eventualities of a change of *seigneur*.

If a recapitulation be now made of the modifications introduced into the municipal law of Amiens, by the substitution of the seigniory of the king for that of the count, and by the revision of the communal charter, it will be seen that these modifications affect simply the judicial government, and do not make any change at all in regard to the political rights. The seigneurial right of making proclamation or ordinance was, it is true, expressly reserved to the king and the bishop; but it was in respect of other *seigneurs* of Amiens, and not in respect of the commune, that this restriction took place. For, on the one hand, the articles of the original charter which mentioned the establishment of *échevins, statuta scabinorum,** received a fresh sanction by the maintenance given to them in the act granted in 1190; and, on the other hand, the documents subsequent to the twelfth century prove undeniably that the

* Art. 31, 38, and 43.

échevinage retained the power of making ordinances on all subjects, legislation, administration, justice, and police. I give below the perfect and definitive text of the communal charter of Amiens :—

"In nomine sancte et individue trinitatis. Amen.* Philippus Dei gratia Francorum rex, quoniam amici et fideles nostri cives Ambianenses fideliter sepius suum nobis exhibuere servitium, nos eorum dilectionem et fidem erga nos plurimam attendentes, ad petitionem ipsorum, communiam eis concessimus,† sub observatione harum consuetudinum, quas se observaturos juramento firmaverunt.

"1. Unusquisque jurato suo fidem, auxilium consiliumque per omnia juste observabit.

"2. Quicumque furtum faciens intra metas communie comprehendetur, vel fecisse cognoscetur, preposito nostro tradetur, et quicquid de eo agendum erit, judicio commu-

* This charter was published in the *Recueil des Ordonnances des Rois de France;* but the editors had not the original under their eyes, and the text which they have given of it, after a cartulary of Philippe-Auguste, is very faulty. In reprinting it here I have been able to avail myself of the variations which are found in an authentic copy of the letters of confirmation granted in 1209 by Philippe-Auguste, and copied from the text of that of 1190. (See the *Rec. des Monum. inéd. de l'Hist. du Tiers Etat,* t. i., p. 180.)

† It is scarcely necessary to observe that, in this charter, as in a multitude of others of the same kind, the word *concessimus* is a mere formula of the seigneurial style : the commune of Amiens had already existed seventy-three years. The right granted to the citizens by Philippe-Auguste was, not to form a *commune jurée,* but to preserve their commune, together with its institutions.

nionis judicabitur et fiet; reclamanti vero id quod furto sublatum est, si potest inveniri, prepositus noster reddet; reliqua in usus nostros convertentur.

"3. Nullus aliquem inter communiam ipsam commorantem, vel mercatores ad urbem cum mercibus venientes, infra banleucam civitatis disturbare presumat. Quod si quis fecerit, faciat communia de eo, ut de communie violatore, si eum comprehendere poterit, vel aliquid de suo, justitiam facere.

"4. Si quis de communione alicui jurato suo res suas abstulerit, a preposito nostro submonitus justitiam prosequetur; si vero prepositus de justitia defecerit, a majore vel scabinis submonitus, in presentia communionis veniet, et quantum scabini inde judicaverint, salvo jure nostro, ibi faciet.

"5. Qui autem de communione minime existens alicui de communia res suas abstulerit, justitiamque illi infra banleucam se executurum negaverit, postquam hoc hominibus castelli ubi manserit notum fecerit, communia, si ipsum, vel aliquid ad se pertinens, comprehendere poterit, donec ipse justitiam executus fuerit, prepositus noster retinebit, donec nos nostram et communia similiter suam habeat emendationem.

"6. Qui pugno aut palma aliquem de communia, preter consuetudinarium perturbatorem vel lecatorem, percusserit, nisi se defendendo se fecisse, duobus vel tribus testibus contra percussum disrationare poterit, coram preposito nostro, viginti solidos dabit, quindecim scilicet communie et quinque justitie dominorum.

"7. Qui autem juratum suum armis vulneraverit, nisi similiter se defendendo, legitimo testimonio et assertione sacramenti se contra vulneratum disrationare poterit, pugnum amittet, aut novem libras, sex scilicet firmitati urbis

et communie, et tres justitie dominorum, pro redemptione pugni persolvet; aut si persolvere non poterit, in misericordia communie, salvo catallo dominorum, pugnum tradet.

"8. Si vero ita superbus fuerit vulneratus, quod emendationem non velit accipere ad arbitrium prepositi et majoris et scabinorum, vel securitatem prestare, domus ejus, si domum habuerit, destruetur, et catalla ejus capientur; si domum non habuerit, corpus ejus capietur, donec vel emendationem acceperit vel securitatem prestiterit.

"9. Qui vero de communione minime existens, aliquem de communia percusserit vel vulneraverit, nisi judicio communie coram preposito nostro justitiam exequi voluerit, domum illius, si poterit, communia prosternet, et capitalia erunt nostra. Et si eum comprehendere poterit, coram preposito regio per majorem et scabinos de eo vindicta capietur, et catalla nostra erunt.

"10. Qui juratum suum turpibus et inhonestis conviciis lacesserit, et duo vel tres audierint ipsum, per eos statuimus convinci, et quinque solidos, duos scilicet conviciato, et tres communie dabit.

"11. Qui inhonestum, alicui, de communia dixerit in audiencia quorumdam, si communie propalatum fuerit, et se quod illud non dixerit, judicum communie judicio defendere noluerit, domum illius, si poterit, prosternet communia, ipsumque in communia morari, donec emendaverit, non patietur, et si emendare noluerit, catalla ejus erunt in manu domini regis et communie.

"12. Si quis de juratione erga juratum suum facta, vel fide mentita, comprobatus fuerit coram preposito et majore, judicio communie punietur.

"13. Si quis de communia prædam scienter emerit vel vendiderit, si inde comprobatus fuerit, prædam amittet

eamque prædatis reddet nisi ab ipsis prædatis, vel eorum dominis, adversus dominos communie vel ipsam communiam aliquid committatur.

"14. Qui clamore facto de adversario suo per prepositum et majorem et judices communie justitiam prosequi non poterit,* si postea adversus eum aliquid fecerit, illum rationabiliter communia conveniet, ejusque audita ratione quid inde postea agendum sit judicabit.

"15. Qui a majoribus et judicibus et decanis, scilicet servientibus communie submonitus justitiam et judicium communie subterfugerit, domum illius si poterunt, prosternent, ipsum vero inter eos morari donec satisfecerit, non permittent et catalla erunt in misericordia prepositi regis et majoris.

"16. Qui hostem communie in domo sua scienter receperit, eique vendendo et emendo et edendo et bibendo, vel aliquod solacium impendendo, communicaverit, aut consilium aut auxilium adversus communiam dederit, reus communie efficietur, et nisi judicio communie cito satisfecerit, domum illius, si poterit, communia prosternet, et catalla regis erunt.

"17. Infra fines communie non recipietur campio conducticius contra hominem de communia.

"18. Si quis communie constitutiones scienter absque clamore violaverit, et inde convictus fuerit, mox domum illius communia, si poterit, prosternet, eumque inter eos morari, donec satisfecerit, minime patietur.

"19. Statutum est etiam quod communia de terris sive feodis dominorum non debet se intromittere.

* We have said above, p. 161, note 2, that the words *justitiam prosequi non poterit* apply not to the case of the denial of justice, but to the neglect on the part of the plaintiff to obtain it.

"20. Qui judices communie de falsitate judicii comprobare voluerit, nisi, ut justum est, comprobare potuerit, in misericordia regis est et majoris et scabinorum, de omni eo quod habet.

"21. Mulier dotem quam tenet nec vendere, nec in vadium mittere poterit, nisi propinquiori heredi et nisi de anno in annum. Si autem heres aut non possit aut nolit emere, oportet mulierem tota vita sua tenere, per annum autem locare poterit.

"22. Si quis vir et uxor ejus infantes habeant, et contingat mori infantes, quis eorum supervixerit, sive vir sive mulier, quicquid similiter possederunt de conquisitis, qui superstes erit, quamdiu vixerit, in pace remanebit et tenebit, nisi in vita premorientis donum vel legatum inde factum fuerit. Quod si antequam convenerint, vel vir vel uxor infantes habuerint, post decessum patris aut matris hereditas infantum ad eos redibit, nisi sit feodum.

"22. Si mortuo marito uxor supervixerit, et infantes ejus vivi remanserint, mulier de omni possessione quam vir ejus in pace tenuerat, quamdiu infantes in custodia erunt, donec ipsa advocatum habeat, nisi sit vadimonium, non respondebit.

"24. Si quis ab aliqua vidua pecuniam requisierit, ipsa contra unum testem, non contra plures, per sacramentum se deffendet et in pace remanebit; si vero ab ea aliquam ejus possessionem ut vadium requisierit, ipsa se per bellum deffendet.

"25. Si quis terram, aut aliquam hereditatem ab aliquo emerit, et illa, antequam empta sit, propinquiori heredi oblata fuerit, et heres eam emere noluerit, nunquam amplius de ea illi heredi in causa respondebit. Si autem propinquiori heredi oblata non fuerit, et qui eam emerit,

vidente et sciente herede, per annum eam in pace tenuerit, numquam de ea amplius respondebit.

"26. Si quis septem annis aliquam suam possessionem presente adversario in pace tenuerit, numquam de ea amplius respondebit.

"27. Si quis alienus mercator aliquid vendiderit, et ipsa hora pecuniam habere non potuerit, ad dominum emptoris, vel ad prepositum domini prius clamorem faciet, et si una ei justitia defuerit, ad majorem clamorem deferet, et major ei cito pecuniam suam habere faciet, quecunque dies sit.

"28. Quicumque de promissione clamorem fecerit nichil recuperabit.

"29. Si quis major, aut scabinus, aut aliquis de justitia majoris, premium vel acceperit vel requisierit, et ille qui dederit, vel a quo premium quesitum fuerit, ad majorem clamaverit, vel testem super hoc habuerit, accusatus viginti solidos persolvet; et si premium acceperit, reddet.

"30. Quod si accusator testem non habuerit, ille qui accusabitur per sacramentum se defendet.

"31. Si quis ad prepositum clamorem deferet, et prepositus ei justitiam facere noluerit, clamator ad majorem clamorem deferet, et major prepositum ad rationem mittet ut ei justitiam faciat; quam si facere recusaverit, major, salvo jure regio, justitiam faciet, secundum statuta scabinorum.

"32. Si quis super aliquem aliquid quod suum est interciaverit, et ille qui accusabitur responderit se illud non a latrone scienter emisse, hoc pro quo accusabitur perdet, et ante justitiam per sacramentum se defendet, si prepositus vel justicia voluerit, et postea in pace abibit; et hoc idem faciet garanus, si hoc idem dixerit, tam primus

quam secundus et tertius; accusator autem hoc quod clamaverit, sacramento confirmabit, si voluerit ille qui justitiam tenebit.

"33. In omni causa et accusator et accusatus et testis per advocatum loquentur, si voluerint.

"34. De possessionibus ad urbem pertinentibus, extra urbem nullus causam facere presumat.

"35. Si vir et uxor aliquam possessionem in vita sua acquisierint, et eorum quispiam mortuus fuerit, qui superstes fuerit medietatem solus habebit, et infantes aliam. Si vir mortuus fuerit, aut uxor mortua fuerit, et infantes vivi remanserint, possessiones, sive in terra sive in redditu, que ex parte mortui venerint, ille qui superstes erit nec vendere, nec ad censum dare, nec in vadium mittere poterit, absque assensu propinquorum parentum mortui, aut donec infantes ejus absque custodia fuerint.

"36. Si quis prepositum regis, in placito vel extra placitum, turpibus et inhonestis verbis provocaverit, in misericordia prepositi erit, ad arbitrium majoris et scabinorum.

"37. Si quis majorem in placito turpibus et inhonestis verbis provocaverit, domus ejus prosternatur; aut secundum pretium, domus in misericordia judicum redimatur.

"38. Si quis juratum suum percusserit vel vulneraverit, et ille qui percussus fuerit clamorem fecerit quod pro veteri odio percussus sit, percussor rectum faciet, secundum statuta scabinorum, pro ictu, et post hoc pro veteri odio, aut per sacramentum se purgabit, aut rectum faciet communie, et novem libras dabit, scilicet VI libras communie et LX solidos justitie dominorum, et persolvet medietatem recti infra octo dies, aut totum, si scabini voluerint. Nullus enim pro eo qui percusserit, quicumque sit, aut vir aut mulier aut puer, sacramentum faciet.

"39. Si major cum communia et juratis in causa sedeat,

et aliquis ibi suum juratum percusserit; illius, contra quem in causa plures testes exierint, qui primus ictum dederit, domus prosternetur.

"40. Qui autem in causa jurato suo conviciatus fuerit viginti solidos communie persolvet, ibi justitia dominorum nichil capiet.

"41. Qui juratum suum in aquam aut in paludem jactaverit, si clamator unum testem adduxerit, et major immunditiam viderit, ille malefactor LX solidos persolvet et de hiis habebit justitia dominorum XX solidos. Si immundus nullum testem habuerit contra sanguinem vel immunditiam, per sacramentum se defendet, et liber abibit.

"42, Qui vero juratum suum, servum recredentem, traditorem, *wissot*,* id est *coup*, appellaverit, viginti solidos persolvet.

"43. Si filius burgensis aliquid forifacti fecerit, pater ejus pro filio justitiam communie exequetur. Si autem in custodia patris non fuerit, et submonitus, justitiam subterfugerit, uno anno a civitate ipsum extraneum esse oportebit. Si autem anno preterito, redire voluerit, secundum statuta scabinorum preposito et majori rectum faciet.

"44. Si conventio aliqua facta fuerit ante duos vel plures scabinos, de conventione illa amplius non surget campus nec duellum, si scabini, qui conventioni interfuerint, hoc testificati fuerint.

"45. Omnia ista jura et precepta que prediximus majoris et communie, tantum sunt inter juratos. Non est equum judicium inter juratum et non juratum.

"46. Ambianensium solebat esse consuetudo, quod, in festis apostolorum, de unaquaque quadriga per unam quatuor portarum urbis in villam introeunte, Guarinus Ambianensis archidiaconus obolum accipiebat. Major vero et

* Alias *wisloth*.

scabini, qui tunc temporis extiterunt, per consilium Theodorici, tunc episcopi Ambianensis, consuetudinem prefatam ab archidiacono, quinque solidis et quatuor caponibus, emerunt et ad censum ceperunt; et censum illum ad furnum Firmini de Claustro, extra portam Sancti Firmini, in valle situm, archidiaconus sumit.

"47. De omnibus tenementis ville justitia exhibebitur per prepositum nostrum, ter in anno, in placito generali: videlicet in Natali domini, in Pascha et in Penthecoste.

"48. Omnia autem forifacta, que infra banleugam civitatis fient, major et scabini judicabunt, et de illis justitiam facient, sicut debent, presente ballivo nostro, si ibi voluerit interesse; si vero interesse noluerit, vel non poterit, pro ejus absentia justitiam facere non desinent, sed debitam justitiam facient, excepto tamen multro et raptu, quod nobis et successoribus nostris in perpetuum retinemus, sine parte alterius.

"49. Catalla vero homicidarum, incendiariorum et proditorum nostra sunt absolute, sine parte alterius. In catallis vero aliorum forefactorum retinemus nobis et successoribus nostris id quod habuimus et habere debemus.

"50. Bannum in villa nullus potest facere, nisi per regem et episcopum.

"51. Si quis bannitus est pro aliquo forifacto, excepto multro, homicidio, incendio, proditione, raptu, rex, vel senescallus, vel prepositus regis, episcopus, major, unùsquisque eorum semel in anno, poterit eum conducere in villam.

"52. Volumus etiam et communie in perpetuum quittamus et concedimus, quod, nec nobis, nec successoribus nostris, liceat civitatem Ambianensem vel communiam extra manum nostram mittere, sed semper regie inhereat corone.

"Que omnia ut in perpetuum rata et firma permaneant presentem paginam sigilli nostri auctoritate et regii nominis karactere inferius annotato, salvo jure episcopi et ecclesiarum et procerum patrie et alieno jure, confirmamus. Actum Lorriaci, anno incarnati Verbi millesimo centesimo nonagesimo, regni nostri anno XI°. Astantibus in palatio nostro quorum nomina supposita sunt et signa: S. comitis Theobaldi, dapiferi nostri; S. Guidonis, buticularii; S. Mathei, camerarii; S. Radulphi, constabularii. Data vacante cancellaria."*

* *Rec. des Ordonn. des Rois de France*, t. xi., p. 264 and foll.—Baluze, *Miscellanea*, t. vii., p. 318.—*Bibl. Imp. Cartularies of Philippe-Auguste*, Collection of Cartularies, N°. 172, fol. 17 v°. Collection of the King, N°. 9852. A, fol. 43 v°., 9852. 3, fol. 56 r°., and N°. 8408. 2. 2, B, fol. 79 r°.—*Arch. Nationale*, Collection of Charters, reign of Philippe-Auguste, fol. 17 v°.

APPENDIX I.

PLAN OF A GENERAL COLLECTION OF UNPUBLISHED MEMORIALS OF THE HISTORY OF THE TIERS ÉTAT.*

THE idea of throwing light upon the sources and history of the Tiers Etat, by the publication of a large collection of original documents, belongs to M. Guizot, Minister of Public Instruction. It was he who intrusted me, in 1836, with the execution of this task, which, though zealously undertaken, has been too long delayed, in spite of my wishes, by unforeseen difficulties and the sad state of my health. It was intended to do, in respect of the third of the ancient orders of the nation, what French learning had already done more than two centuries ago in respect of the nobility and the clergy. Above all, I asked myself what a collection of the memorials of the history of the Tiers Etat, or of the plebeian classes in France, ought to be, and what materials of various kind it would be necessary to introduce. These materials, different according to the relation which they

* This paper is the Preface to the first vol. of the *Recueil des Monuments inédits du Tiers Etat.*

bear to the private or public character of individuals, to their position in the family, the corporation, or the commune, in the province or the state, appeared to me to fall naturally under four heads, requiring as many separate collections, of which I here give the summary:—

1. *A Collection of Documents relative to the Personal Condition of the Plebeian Classes, whether that of the Serf or the Freeman.*—Acts indicating the progressive modification of the ancient form of slavery to that of serfdom on the estate, and the commencement of property in the hands of servile families.—Enfranchisements of families or individuals with or without condition.—Privileges other than those of nobility granted to certain persons and families.—Grants of the title of *bourgeois* of the king.—Royal or seigneurial privileges obtained by peasants who were not united in a municipal community.—Petitions addressed to the supreme courts of the provinces and the parliament of Paris, for the enjoyment of the right of immunity both of person and property.—Judgments pronounced in favour of these demands or against them.

2. *A Collection of Documents relative to the Condition of the Bourgeoisie, considered in its various Corporations.*—Constitutive statutes of the ancient companies of arts and trades.—Acts and regulations relative to the freedom and wardenship of corporations to the councils of *prud' hommes* and consulates of commerce.—Royal or municipal ordinances concerning the practice of the law, the bar, medicine, and surgery, the exercise of all

the learned or unlearned, the liberal or industrial professions.

3. *A Collection of Documents relative to the Ancient Condition of Cities, Boroughs, and Parishes of France.*—Acts indicating the continuance of the Roman municipal system, and the condition of the inhabitants of cities prior to the twelfth century.—Charters of communes granted by the kings or the *seigneurs*.—Municipal statutes of the cities.—Municipal deliberations and regulations of urban police.—Ordinances delivered to increase, modify, or abolish, in such or such a locality, the communal rights and privileges.—Grants of fairs and markets.—Royal or seigneurial acts for the redress of grievances, or the grant of any kind of immunities in favour of cities, boroughs, or villages.

4. *Collection of Documents relative to the Part played by the Tiers Etat in the Assemblies of the General or Provincial States.*—Acts indicating the mode of election of deputies of the Tiers Etat for the cities and country districts.—Lists of deputies of the Tiers Etat to the assemblies, both national and provincial.— Recorded proceedings of the deliberations of the Tiers Etat.—Its preparatory or definitive *cahiers*. — Its proposals not contained in *cahiers* and speeches of its prolocutors.

When these classifications were established, and the course thus cleared in some measure, I gave up the ideal plan of a complete body of all the documents of the civil and political history of the Tiers Etat, to fall back in the execution of my design upon another less

logical, less regular, but more easy and practicable. I cut off the last class — that of acts concerning the states-general or particular — in consequence of the difficulty of isolating on all points that which relates to the Tiers Etat from that which concerns the two other orders in the frequently-intermingled mass of those acts. Besides, it will be an advantage for the history of the ancient assemblies, whether national or provincial, which are the roots of our representative system, to be the object of a special collection, undertaken on its own account, with a view to the collective part taken by the three orders, and not to the particular part of one amongst them. I joined the second and third classes in one collection—that of the municipal statutes and acts, and that of the statutes and rules of the companies of arts and trades. In my opinion, this fusion is rendered necessary by the intimate relations of the municipal and industrial life in the middle ages. Lastly, I deferred indefinitely and kept back, as a second series of the collection of the memorials of the history of the Tiers Etat, the collection of acts relative to the condition of the plebeian families,—a collection of less importance and of a nature less defined, and which, besides its special character, would serve as a supplement to the first.*

* For example, in regard to the insertion of general rules of industry and commerce, which, made for the whole kingdom, could not be classed under the name of any city in particular.

Thus the present Work will be a complete collection of the documents relative to the municipal history, and to that of the companies of arts and trades in the cities of France. The paper placed at the head of the first volume, as an introduction, is more general in its object. I composed it as if my plan of publication had embraced the four series of documents which I have enumerated above; it is, in a summary sketch, a history of the formation and progress of the Tiers Etat.

Three things I have still to hope for. Firstly, that the materials of the second series of this collection—a series deferred by me—may become in the hands of some other person the object of researches in libraries and archives, and that the result may be a publication capable of being annexed to this one. Secondly, that the request recently addressed to the Minister of Public Instruction, for a complete edition of the documents relative to the States-General, be entertained.* Lastly, that the local states may have a collection made of records on account of each province, and that in all parts of France a work so desirable may attract the zealous co-operation of all studious men, who are warmed at once by the love of historical knowledge and the love of their native land.

Paris, February 20, 1850.

* This request was made by M. Auguste Bernard, member of the Society of Antiquaries in France.

APPENDIX II.

LISTS OF THE DEPUTIES OF THE TIERS ÉTAT TO THE STATES-GENERAL OF 1484, 1560, 1576, 1588, 1593, AND 1614.

FIRST LIST.

STATES-GENERAL HELD AT TOURS IN 1484.*

The Prévôté of Paris.—Nicolas Potier, or Portier, a bourgeois of Paris; Gauchier Héber, likewise a bourgeois.

The Members of the Tiers Etat elected for Burgundy, comprising those of Ostun and of Bar-sur-Seine:—

Mr Guy Margueron,
Mr Regnault Lambert,
Mr Gauthier Brocard,
Mr Jean Rémond,
} all licentiates in law and *décrets*.

Pierre Martin, bourgeois of Chalons; Etienne Tut, or Tust; Guiot Court; Mr Nicole Cheste, member for Bar-sur-Seine.

The Bailliage of Sens.—Lubin, or Robin Rousseau.

* See the *Journal des Etats Généraux de France, tenus à Tours, en* 1484, *sous le Règne de Charles VIII.*, written in Latin by Jean Masselin, deputy for the Bailliage of Rouen, published and translated for the first time from the MS. of the Bibliothèque du Roi, by A. Bernier, Appendix V., p. 718. This list has been completed by means of two others, one of which, given by Masselin, is at p. 9 of the vol., and the other forms Appendix VI., p. 737.

The Bailliage of Mascon.—Me Ymbert Surcaillier, or Fustaillier.

The Bailliage of Auxerre.—Jehan Renier, or Regnier.

The Bailliage of Rouen.—Jacques de Cramaire, or Croismare, Pierre Daguenet.

The Bailliage of Caen.—Philippes de Vassy, Jehan de Sens.

The Bailliage of Caux.—Jehan Nepveu.

The Bailliage of Costentin.—Me Jehan Poisson.

The Bailliage of Evreux.—Geoffroy Postes, Jehan des Planches.

The Bailliage of Gisors.—Robert du Vieu.

The Bailliage of Troye.—Jehan Hanequin, or Hannequin, the elder, Me Guillaume Huyart, or Huynard.

The Bailliage of Vitry.—Me Remy Martin.

The Bailliage of Chaumont.—Me Pierre de Gyé.

The Bailliage of Meaux.—Me Philippes Batailler, Jehan Durant.

The County of Toulouse.—Oudinet le Mercier.

The Bailliage of Tournay and Tournesis.—Jehan Maure.

The Bailliage of Vermandois.—Me Jehan de Reims, Me Jehan Gruyer.

The Sénéchaussée of Poytou.—Me Maurice Claveurier, Jehan Laidet.

The Sénéchaussée of Anjou.—Me Jehan Binel, Jehan Barrault, or Bérault.

The Sénéchaussée of the Maine.—Me Jehan Bordier, François de l'Esparvier, Jehan Berf, Me Raoul Quierlavaine, or Crolavaine, Henri Cornilliau, Jehan Chambart.

The Bailliage of Touraine.—Jehan Briconnet.

The Bailliage of Berry.—Me Pierre de Brueil, or Vueil.

The Country of Bourbonnais.—Me Jehan Cadier, or Cardier.

The Country of Artois.—Me Guillebert Dautier, or D'Ostiel.

The Sénéchaussée of Auvergne.—Barthélemy de Nesson.

The Bailliage of the Mountains of Auvergne.—Me Jacques de Mas, or du Mas.

The Sénéchaussée of Rouergue.—Jehan Boissière, Anthoine Marcoux, Me Guillaume Poulmezade, or Poullemarde, Bernard Causonne, or Caussonne.

The County of Roussillon.—Ellise or Elie de Betheford, or de Bidefort.

The Bailliage of Chartres.—Machery de Billon.

The Bailliage of Mante.—Robert du Nesmes.

The Bailliage of Orléans.—Me Robert de Fauville, Me Richard Nepveu, Jehan Compain.

The Bailliage of Alençon and County of the Perche.—Guy Vibert, or Picart, Jehan de Rion, or de Ry.

The Bailliage of Amiens.—Me Jehan de Saint-Delitz.

The Sénéchaussée of Ponthieu.—Me Pierre Gaude.

The Bailliage of Senlis.—Me Guillaume Le Fuzellier.

Peronne.—Me Jehan de Belencourt.

Roye and Montdidier.—Jehan Bertault.

The Bailliage of Montargis.—Me Jehan Prevost.

The Bailliage of Melun.—Me Denis, or Georges, de Champnay, or Champnoy.

The Country of Nivernois.—Me Hugues Fouchier, or Soucher.

The Country of Provence.—François de Chasteau de Tours, Jehan André de Granalde.

The Sénéchaussée of the Boulenois.—Jehan le Grant.

The City of Puissardin and the Territory of Cerdagne.—Antoine Marcadez, vicar and captain of the said city.

The City and Government of La Rochelle.—Regné Ragot, Me Jehan le Flamant.

The Sénéchaussée of Lodun.—Pierre Chonet, or Chauvet.

The Country of Forez.—M[e] Jacques de Viry, judge of Forez.

The Sénéchaussée of Angoulmois.—M[e] Pierre Lombat, or Lombart.

The Sénéchaussée of Lymosin. — Jehan Audier, Pierre Charreyron.

The Bas-Lymosin.—M. Jehan Gouste, Estienne Mellier.

The Sénéchaussée of Xaintonge.—M[e] Amaurry Julien.

The Duchy of Guyenne.—M[e] Henry de Ferraignes, or de Fouraignes.

The Sénéchaussée of Agénois.—Jean de Gailleto.

The Sénéchaussée of Périgort. — M[e] Jehan Tricart, or Tugnart.

The Town and Cité of Condon.—Pierre de Porteria.

The Country and Seigniory of Quercy.—François Mercy.

The Country of Dauphiny.—Jordan Sonqueur, or Sonquert, Vial de l'Eglise, Estienne de Pisieux, or Puiseux, Jehan Mottet.

The County of La Marche.—M[e] Jehan Taquenot, or Touquenet, Jehan Raguet, Anthoine de Marsilhac.

The Country of Beaujolois.—Messire Ennemond Payen.

The Sénéchaussée of Lyon.—Bertrand de Salle Franque, or Sallebranque, prévôt of Lyon, Anthonie Du Pont.

The Country and County of Fezensac.—M[e] Mathurin Mollivelly, or Molliveby.

The Charolois.—Etienne Chanot Seigneur de Buxy.

The titles of different bailliages without any name of deputies follow.

SECOND LIST.

STATES-GENERAL HELD AT ORLEANS IN 1560.*

City of Paris.—Guillaume de Marle, prévôt des marchands, or mayor.
Nicholas Godefroy, } échevins,
Jean Sanguin, }
Claude Marcel, a bourgeois.

Prévôté and Vicomté of Paris.—Me Jean Martinet, for the said prévôté and vicomté of Paris.

DUCHY OF BURGUNDY.

Dijon.—Me Jean le Marlet, or le Marle, Me Jean Massot, or Masson.

Autun.—Me Jacques Bretaigne, Me Jean Tallemant.

Chalons-sur-Saone.—Me Jean Renauldin, Me Claude Guilliaud.

Auxois.—Me Celse Dodun, or F. Dodun.

La Montagne.—Me Jean Reguier, Me Jean Legrand, Me Pierre Audinot, or Audinet.

Macon.—Me Gilbert Regnauld, judge of Clugny.

Auxerre.—Me Pierre le Briois, Me Pantaléon Pion.

Bar-sur-Seine.—Me Nicole Lauxerrois, or Nicolas Savard, Me Jean Viguier.

DUCHY OF NORMANDY.

Rouen.—Jean Cotton, Jean Aubert, Raullin le Gras.

* *Recueil de Pièces Originales et Authentiques concernant la Tenue des Etats Généraux.* Paris, 1789, t. i., p. 17.

Caen.—Guillaume Gosselin, Jean le Hucy, or de Hurcy, François Langevin Livry, Macè Castel, or Chastel.

Caux.—Guillemeaude, Leonet Leclerc.

Cotentin.—Me Abel Perrier.

Evreux.—Jean Courtois, Guillaume Escochard, or Crochart.

Gisors, including Pontoise and De Magny in addition.—Me Nicolet Thomas, Me Cardin Saulnier, Me Jean Lecoq, Robert Guersant, Pierre Dailly, Nicole Lemoine.

Alençon.—Me Mathieu Petit, Me Robert Caiget, or Laignet, Etienne Payen.

DUCHY OF GUIENNE.

Bordeaux and Sénéchaussée of Guienne.—M. Pierre Genestac, mayor of the said city, or Geneste, Me Jean de Lange, or Jean Lange.

Sénéchaussée of Bazadois.—Jean de Lavergne, Loys des Apats.

Sénéchaussée of Périgord.—M. Bertrand Lombert, Jean de Beauvoye, Guillaume Surquier, Raymond Aimer, syndic of Périgord.

Sénéchaussée of Rouergue.—M. Arnauld Plane, or M. Raymond Querron.

Sénéchaussée of Agénois.—M. Michel Bressonade, or Boissonnade, M. Pierre Redus, or Rodier.

Country and County of Comminges.—Pierre Cambert, or Lambert.

Country and Jugerie of Rivière-Verdun, Gaure, Baronnie of Léonac and Marestang.—M. Jean Coutelier, Arnauld de la Borde.

Sénéchaussée of Lannes.—M. Etienne Bedonde.

Saint-Sever.—M. Jacques Duquoy, or Jean Bouyer, M. Martin Delalain, or Etienne Bousson.

Albret.—Jean Benier, or Jacques Duquoi, Etienne Bouffon, or Martin du Sauxe.

Sénéchaussée of Armagnac.—Claude Idron, Jean de Forgéac, or Forgerac, Antoine Burin, Guillaume Maguan.

Condom and Gascogne.—M. François Dufranc, Jean Malac, or Malat.

HAUT-LIMOSIN.

City of Limoges.—M. François Duquerroy, Jean Bayart, Jean Dubois.

Bas-Limosin, comprising Tulles, Brive, and Userches.—M. Etienne de Lettang, M. Bertrand de Loyac, or des Loyal, M. Martin Boursac, M. Jean Glostou, or Closton, Etienne Binet, or Bivet, Jean Regis, or Roguier.

Quercy.—M. Jean Sabatier, M. Guischard Scorbiat, or Hirobiat, Raymond Vetyer.

Duchy of Bretagne.—M. Jean de Bonnefontaine, M. Jean le Loup, M. Pierre Delisle.

COUNTY OF CHAMPAGNE.

Troyes.—M. Philippes Belin, Denis Cleray, or Clairet, Jean Puillot.

Chaumont.—M. Nicole Chavoine, or Chanoine, M. Jacques Nobis, or Nollet, François Legrand.

Vitry.—M. Philibert Glayne, or Glame, M. Claude Godet, Antoine Morel, or Mois.

Meaux.—M. Jean Frolo, or Frollo, M. Rolland Pietre, or Roland Frollo, priest, Nicole Sanguin.

Provins.—M. Jean de Ville, François Bellot.

Sezanne.—Nicolle Pollet, Prudent de Choiselat, Jean Alart, or Alarre.

Sens.—Robert Aymard, Claude Gouley, or Goutry.

COUNTY OF TOULOUSE AND GOVERNMENT OF LANGUEDOC.

Toulouse.—M. Guy Dufaur, or Dufour, M. Claude Ternon, or de Thermion.

Beaucaire.—Jean d'Albénas, Guillaume de la Mote, or de Motie.

Carcassonne and Beziers.—M. Pierre du Poix, or Poids, M. Jacques Mercier, Jean Defolletier, or Folestier.

Montpellier.—Guillaume Tuffany.

Lauraguais.—Bernard Faure, or Favory.

Bailliage of Vermandois.—M. Jean Gosat, or Gossat, M. Pierre Noël, M. Jacques Demorillon.

Sénéchaussée of Poitou.—M. François Aubert, M. Jean Maineteau, or Manteau, M. Jean Brisseau, M. Claude du Moussel, or Monttret.

Sénéchaussée of Anjou.—M. Guy Celunier, or Gui de Sinner, M. François le Buret, François Marquis, Etienne Berte.

Sénéchaussée of the Maine.—Philippe Tharon, or Charron, Jacques Chapelain, Jacques Brulé, or Bruslet.

County of Laval.—Etienne Journée, Jean Bordier, the elder, or Bondue.

NOTE.—The said Tharon, Chapelain, and Brulé, opposed the enrolment of the said Journée and Bordier, as they were all three deputies for the whole sénéchaussée of the Maine, to which the county of Laval belonged.

Bailliage of Touraine.—M. Jean Bourgeau, or Bourgeois, Astrémoine Dubois, Jean Bolodeau, or Belaudecau.

Amboise.—M. François Fromont, or Fromond, M. Helye de Lodeau, or Todeau, M. Réné de la Cretonnière, or de la Bretonnerie.

Berry.—M. Claude Duverger, M. Jean du Moulin, or Moulut.

Saint-Pierre Le Mousteir.—M. Antoine de Reuil, M. Jean Corrier, or Couris.

Bourbonnois.—Jean Feydeau, or Foideau, M. André Feydeau, M. Antoine de la Chaise, M. Pierre Carton.

Forez.—M. Jean Papon, M. Guichard Cotton.

Beaujolais.—M. Hugues Charton, M. Claude Chapuis, or Charpuis.

Sénéchaussée of Auvergne.—M. Jean de Murat, M. Jean Dupré, M. Julien de Marillac, M. Pierre de Touzoux, or Longvy, Jean Milles, or Millet.

The Bailliages of the Mountains of Auvergne.—Girard de Saint-Mamet, Girard Rabier, Jean Busson, Jean Vignier, Antoine Costel, Guillaume de Ryno, M. Guy Moussier, or Roussier, for Salers and Valmouroux.

NOTE.—The said Moussier was not enrolled; the other deputies maintaining that he had no claim for Haute-Auvergne.

Sénéchaussée of Lyon.—M. Pierre Groslier, Antoine Bouyin, Mathieu Pany, Jean Mandas, Claude Graves, or Grave.

Bailliage of Chartres.—Jean Couldier, or Couldrier, M. Ignace Olive, Pierre Beaudoin, Michel Ribier, Barthélemy Dupont, Jacques Gondo, or Goudet.

Dreux.—M. Pierre de Rotrou, M. Jacques Chaillon.

Bailliages of Mantes and Meulan.—M. Jean Fizeau, or Fuzeau, Pierre Jouvelet, or Jonvelet, Etienne Piget, Jean Douvenoult, or Donnecourt.

Bailliage of Orléans.—M. Pierre de Montdoré, Jacques Bourdineau, Guillaume Beauharnois, Jean Mainfranc, or Maniferme.

Gien.—M. Pierre le Noir, M. Jean Chazeray, or Chazeran, M. Simon Dasnières, or d'Amulliers.

Montargis.—Nicole, or Nicolas Charpentier.

County and Bailliage of the Perche.—M. Michel Rochard, or Rochau, M. Nicole Goulet, or Groullet.

Bailliage and Barony of Chateau-Neuf in Thimerais.—Jean Tuffe.

Bailliage of Amiens.—M. Jean Dugard, or Duguast, M. François Sorion.

Sénéchaussée of Ponthieu.—Jean Maupin, M. Adrien de Béarin, or Meuzin.

Sénéchaussée of Boulenois.—M. Fourcy de la Planche.

Péronne.—Me Adrian le Febvre, or le Fébure, Martin Bonchart, or Bouchart, Michel Ponchin, or Bouchin.

Montdidier.—M. Romain Pasquier, Claude Vyon, or Rion.

Roye.—M. Gabriel Cornette.

Senlis.—M. Jean-Berthelemy, or Barthelemy, M. Pierre Aubert.

Bailliage of Valois.—M. Jacques Tangueul, or Longueil, M. Nicole Bergeron.

Clermont in Beauvoisis.—M. Jean Fileau, Nicolas Puleu, or Pelu.

Chaumont in Vexin.—M. Nicolas Faguet, Pierre Dorgebray, Guillaume Roulet.

Bailliage of Melun.—M. Dreux Janare, or Janure, Gabriel Bourdin, syndic of the city, M. Jean Bourdier.

Nemours.—M. Guillaume le Doyan, or Doyen, M. Jean Tibailleur.

Nivernois and Donziois.—M. Guy Rapine de Sainte-Marie, M. Charles de Grantrye, or de Grantue, M. Guy Coquille.

Dauphiné.—Grimodan, Viennois, Saint-Marcellin, Embrun, Gap, Briançon, Monthélimar, Breil and Die, M. Jean Robert, M. Pierre Boissart.

The Town and Government of La Rochelle.—M. Amateur Blandin, M. Pierre Savignon.

Sénéchaussée of Angoumois.—Hélye de la Place, M. Sébastien Bouteiller, or Boutheillier.

Bailliage of Monfort and Houdan.—M. Jacques Gossainville, or Genssumille, M. Guillaume Troussart, or Toussart, M. Jean Suatin.

Etampes.—M. Girard Gueruchy, or Guercivy, Jean Chompdoux, or Champedoux, M. Simon Audran, M. François Gervaise.

Dourdan.—Michel de Lescorne.

Blois.— . . . .

Noyons and Soissons.— . . . .

TOTAL, 224 Deputies.

THIRD LIST.

STATES-GENERAL HELD AT BLOIS IN 1576.*

City of Paris.—Me Nicolas Lhuillier, prévôt des marchands, or mayor of the city of Paris, Me Pierre Versoris, councillor in the Parliament of Paris, Me Augustin le Prévôt, échevin of the said city.

Prévôté of Paris.—Me Charles de Villemonté, king's attorney in the Châtelet of Paris, for the prévôté and vicomté of Paris.

* *Recueil de Pièces Originales et Authentiques concernant la Tenue des Etats Généraux*, Paris, 1789, t. ii., p. 21.

BURGUNDY.

Bailliage of Dijon. — Me Pierre Jamin, Me Guillaume Royer.

Bailliage of Autun.—Me Georges Bonot, or Baiot, Me Claude Bertaut, or Bretaut.

Bailliage of Chalons-sur-Saone.—Me Nicolas Julien, or Julian, Me Claude Guilland, or Guillaud.

Me Pierre Villedieu,
Me Benoit Laurin, } did not prove their qualifications.

Bailliage of Auxois.—Me Philibert Espiard, Me Georges de Clugny.

Bailliage of La Montagne.—Me Edme Raymond.

Bailliage of Macon.—Me Jean Bouyer.

Bailliage of Bar-sur-Seine.—Me Jacques Vigner and Joseph Durud.

Bailliage of Auxerre.—Me Nicolas Brigedé, Me Germain Boirot, Me Germain Grellé, or Greel.

DUCHY OF NORMANDY.

The City and Bailliage of Rouen.—

Me Emery Bégot,
Me Jacques le Seigneur, } for the city of Rouen.

Me Antoine le Barbier, for the bailliage.

The Bailliage of Caen.—Me Martin Varin.

Bailliage of Caulx.—Guillaume de la Frenaye.

Bailliage of Constentin.—Gration Bouillon.

Bailliage of Evreux.—Me Thomas Duvivier.

Bailliage of Gisors.—Jean Langlois, Jaques Acar.

Bailliage of Alençon.—Me Thomas Comier, or Corvier, J. James.

County and Bailliage of Dreux.— . . . .

DUCHY OF GUIENNE.

Sénéchaussée of Bordeaux.—Me J. Emar, and François de la Rivière.

Sénéchaussée of Bazas.—Jean de Pauvergne, or de Lauvergne, Archambault Rollé, or Roolle.

Sénéchaussée of Périgord.—Me Hélie de Jan.

Sénéchaussée of Rouergue.—Me François de Lieu, or du Rivi, Me Pierre Lourany, or Courany.

Sénéchaussée of Saintonge.—Me Mathurin Gilbert.

Sénéchaussée of Agénois.—Michel Boissonnade.

Country and County of Comminges.—Me J. Bertin.

Country and Jugerie of Rivières-Verdun, Gaure, Barony of Léonac and Marestans, d'Acques and Les Lannes.— . . .

Saint-Sever.—Bernard de Caplane.

Albret.—Joseph Desbordes.

Sénéchaussée of Armagnac.— . . . .

Condom and Gascony.—J. Imbert and Léonard de Milet.

Haut-Limosin and City of Limoges.—Me Simon de Bouais, or Dubois, Me Paris de Bouat, or de Luat.

The Bas Limosin, comprising Tulles, Brives, and Userches.—Me De la Fagerdie, Me Pierre de Lescot, Me Jean Bonnet, or de Bonner.

Sénéchaussée of Quercy.—Me Pierre de Regaignac, Me J. de Marignac, sire Jean Paufade, or Ponsas, Me P. de la Croix.

The Duchy of Britanny and its Dependencies.—

Me Artus de Fourbeur, Me Pierre Martin,
Me Roland Bourdin, Me Pierre le Boulanger,
Me François Mouan, or Mocan,
Me Robert Poullan, Me Jean le Gobien,
Me Pierre Gautier,
} deputies general for the Duchy.

Roland Charpentier,
Me Bernard le Bihan,
Me Guillaume Guyneman, or Guindinau, } deputies special.

THE COUNTY OF CHAMPAGNE AND BRIE.

Bailliage of Troyes.—Me Philippe Belin and Pierre Belin.

Bailliage of Chaumont in Bassigny.—Me Nicolas Jobelin, Me François Goutière, Robert Nurion, or Menorier.

Bailliage of Vitry.—Me Jacques Linaige, or Lignage, Me Germain Godet.

Bailliage of Meaux.—Me Rolland Gosset, or Cossol, Jean Lebel.

Bailliage of Provins.—Gérard Janvier.

Bailliage of Sezanne.—Me François de Villiers.

Bailliage of Sens.—Me J. Rocher, or Richer.

Bailliage of Langres.—

M. Antoine Bouvot,
M. Guillaume Medard, } special deputies for Sens.

Bailliage of Chateau-Thierry.—Jean Marteau.

THE COUNTY OF TOULOUSE, AND GOVERNMENT OF LANGUEDOC.

Sénéchaussée of Toulouse.—Me Bernard de Supersanctis, Me Samson de la Croix.

Sénéchaussée of Beaucaire.— . . . .

Bailliage of Vellay and Sénéchaussée of Puy.—Guy Bourdel, called Yraël, or Yrail, Guy Delignes, or de Lyques.

Sénéchaussée of Carcassonne and Béziers.—Me Raimond Leroux, Me Gibaon, or Gibron.

Montpellier.— . . . .

Sénéchaussée of Lauraguais.—Antoine de Lourde.

Bailliage of Vermandois.—Me Jean Bodin.

Saint-Quentin-sous-Vermandois.—François Grain.

Sénéchaussée of Poitou and of Maillezais.—Me Pierre Rat, Me Joseph le Chasele, or le Basile,

Me Léonard Thomas,
Me André le Beau, } deputies of Montmorillon-sous-Poitou.

Sénéchaussée of Anjou.—Me Hilaire Juheau, Jean Cotteblanche.

Sénéchaussée of the Maine, comprising the County of Laval.—Me Pierre-Philippe Taron, Me Mathurin Rochet, Jean Luonere, or Tourne, for the county of Laval.

Bailliage of Touraine and Amboise.—Me Gilles Duverger, Me Guillaume Ménager,

Me Pierre Blondel,
Me Louis Trincaut, } for the sénéchaussée of Loudunois.

Bailliage of Berry.—Jaques Gallot, or Gassot, Me François de Valentiennes, Me Gabriel Bonnyn.

Bailliage of Saint-Pierre-le-Moustier.—Me Jean Guyot.

Sénéchaussée of Bourbonnois.—Me Guillaume Duret, Etienne Mallet, or Mulse, Hugues de Cuzy.

The Bailliage of Forez.—Me Pierre Pommier, Me J. Bouzier.

Bailliage of Beaujolais.—Me Aimé Choulier.

Sénéchaussée and Country of La Basse-Marche.—Me Jaques Brujas.

Sénéchaussée of the Low Country of Auvergne.—Me Jean Vectoris, or Textoris, Me Jean de Basmaison, and Pougnet, Me Antoine de la Chaize, Guérin Faradesche, Christophe Pinadon.

Bailliage of the Mountains of Auvergne.—Me J. Mirot, or de Murat, Me Jean Brandon, or Gravidon, Me Annet Tavernier, Me François Guillebault.

The Sénéchaussée of Lyon.—Antoine Scarron, J. de Massot, Philibert Pérault pour le plat pays de Lyonnois.

The Bailliage of Chartres.—Me Ignace Ollive, Me Nicolas Guyard.

The Bailliage of Orléans.— Jaques Chauvreux, Me Jean Malaquin.

The Bailliage of Blois.—Me Simon Riolle.

Bailliage of Dreux.—Me Bernard Couppé.

The Bailliages of Mantes and Meulan.—Me Jean Phiseau, Me Jaques Uion, Eustache Pigis, or Pigas.

Bailliage of Gien.—Me Pierre Arnoul.

Bailliage of Montargis.—Me Nicolas Charpentier.

Bailliage of the Perche.—Me Joseph Brissart, or Brizard, Etienne Gaillart.

Bailliage of Chateau-Neuf.—Jean Moreau, Etienne Contereau.

Bailliage of Amiens. — Me Jean le Quien, Me Jaques Picard.

The Sénéchaussée of Ponthieu.—Me Pierre le Boucher.

Sénéchaussée of Boulonnois.—Me Fursi de la Planche, Me Pierre Declerc, for Calais and regained country.

Péronne, Roye, Montdidier.—

Foursi de Frémicourt, or de Fremiervot, }
Me Robert Choquet, } for Péronne;

Florent Gayant, labourer, for Roye; Antoine Bignon, or Mignon, for Montdidier.

Bailliage of Senlis and Chamount in Vexin.—Me Jean Paulmart.

Bailliage of Valois.—M. Loys des Avenelles, or Anevillers, prévôt of Crépy.

Bailliage of Clermont in Beauvoisis.—Me Charles Cuvelier.

Bailliage of Melun.—Louis Martinet.

Bailliage of Nemours.—Me Jean Thiballier.

Bailliage of Nivernais and Donziois.—Me Guy Coquille, Me Martin Roy.

Country of Dauphiny and its Dependencies. — Me Jaques Colas, Me Benoît de Flandrois, or de Flandres, Me Charles Milhard, or Myliard, Claude Arnauld, called Vallon, Claude David, Me Guillaume Leblanc, Me Gaspard Busso, Me Michel de Vezic, Me François Allan, Me Jean Debourg, for the bailliage of Vienne-sous-Dauphiné.

Bailliage and Government of La Rochelle.— . . . . . .

Sénéchaussée of Angoumois.—Me Guy Cottin.

Bailliage of Montfort and Houdan. —Me Noël Ruffron, Nicolas Guyot, labourer.

Bailliage of Estampes.—Me Jean Houy and François Gougain, called Chavron.

The County of Provence.—Antoine Thoron and Me Louis Lévéque.

The City of Marseilles.—Me François Sommat.

The County of La Marche.— . . . .

Chatellerault.—Jacques Berthelin, Antoine Belay.

The Fortress Aleps, or Alais.—Grégoire Audiger, Marchand, labourer.

Bailliage of Vendosmois.—Me Réné Dupont, Me Nicolas Bouchart.

The Sénéchaussée of Aix.— . . . . . .

The Sénéchaussée of Bayonne.— . . . .

Marquisat of Saluces. — Me Pierre de Chastillon, François Marabot.

Deputies of the Tiers Etat, 150, without reckoning those who attended after the first session.

FOURTH LIST.

STATES-GENERAL HELD AT BLOIS IN 1588.*

City, Prévôté and Vicomté of Paris.—Michel Marteau, prévôt des marchands; Etienne de Neuilly, president of the Exchequer Court; Jean de Compans, échevin;
Nicolas Auroux, } bourgeois;
Louis Bourdin, }
Louis d'Orléans, advocate.

BURGUNDY.

Bailliage of Dijon.—Bernard Coussin, échevin; Etienne Bernard, advocate.

Bailliage of Autun.—Audet de Montagu, lieutenant-general; Philbert Venot, échevin.

Bailliage of Chalons-sur-Saone.—François de Thesen, councillor; Salomon Clerguet.

Bailliage of Auxois.—Claude de Bretaigne, Jehan Guillaume.

Bailliage of La Montagne.—Edme Remond, Jean Guennebault.

Bailliage of Charollois.—Girard Saulnier, Claude Maletes.

Bailliage of Macon.—Philibert Barriot.

Bailliage of Auxerre.—Jehan Naudet, avocat du roi; Joseph le Muet, bourgeois.

Bailliage of Bar-sur-Seine.—Jehan de Laussurois.

* *Recueil de Pièces Originales et Authentiques, concernant la Tenue des Etats Généraux.* Paris, 1789, t. iv., p. 24.

DUCHY OF NORMANDY.

The City and Bailliage of Rouen.—Robert de Hannivel, Guillaume Colombel, Guillaume de Parde.

The Bailliage of Caen.—Jehan Vanquelin, Nicolas le Pelletier, èchevin of the said city, Lambert Bunel de la Fosse.

Bailliage of Caulx.—Gessin Vasse.

Bailliage of Coustantin.—Jean Pierres.

Bailliage of Evreux.—Christophe Despaigne.

Bailliage of Gisors.—Robert le Page, Jean Dehors.

Bailliage of Alençon.—Nicolas le Barbier, Jean James, Antoine le Mollinet.

THE DUCHY OF GUIENNE.

Sénéchaussée of Bordeaux.—Thomas de Pontac, Fronton Duverger, Pierre Metyvier.

Sénéchaussée of Bazas.—Jean de Lauvergne, Jacques Janvier.

Sénéchaussée of Périgord.—Helie de Jehan, Remond de la Brosse.

Sénéchaussée of Rouergue.—Pierre de Gorravy, Hugues Caulet, Joseph de la Roche, Guillaume de Marsitan.

Sénéchaussée of Saintonge.—Etienne Soulet.

Sénéchaussée of Agénois.—Jehan de Brauchut.

Country and County of Comminges.—Sébastien de Lazalas, Philippe d'Audnac.

Country and Jugerie of Revières-Verdun, Gaure, Barony of Lernac, Marestans, of Ax, Sénéchaussée of the Lannes.— . . . . . .

Saint-Severt, Albret.— . . . . . .

Sénéchaussée of Armagnac.—Dominique Virres.

Sénéchaussée of Condomois. — Jean Dufranc, lieutenant-general of Condom; Arnault Danglade.

Haut-Limosin and City of Limoges. — Michel Martin, Emery Guibert.

The Bas-Limosin, comprising Tulles, Brives, and Userches. —Antoine de Lestang, Pierre de Chenailles, Jean de Maruc, Martial Chassain, Ramond Bonnet.

Sénéchaussée of Quercy.—Pierre de Regaignac, advocate; Paul de la Croix, syndic of the states; Pierre Arnauldy, advocate.

Sénéchaussée of Poitou, Fontenay, and Niort.—Louis de la Ruelle, Pierre Gasteau, Adam Firagneau, Guillaume Giraudeau. Entered twice: *Pierre Gasteau, Guillaume Girandeau.*

Sénéchaussée of Chatellerault.—Jean Raffetau.

Britanny.—Robert Poullin, sieur de Genres, Pierre Martin, king's advocate in the presidial court of Rennes; Antoine de Prenezay, king's advocate in the principal court of Nantes; Guillaume Godet, advocate in the court of Parliament of Britanny; Bouvalet Bis, advocate in the said court, and procureur syndic of the bourgeois of Rennes; Guillaume Chedanne, bourgeois of Vannes; Jean Picot, procureur syndic of Saint-Malo; Gabriel Hus, sieur de la Bouchetière, Robert Audouyn, procureur syndic of Quimpercorantin; Jehan Cousin, Maurice Berlavance, Michel Pommeret, sieur de la Porte.

THE COUNTY OF CHAMPAGNE AND BRIE.

Bailliage of Troyes. — Philippe Dever, advocate in the

said bailliage of Troyes; Jacques Angenoust, royal treasurer of the revenues from saltpetre.

Bailliage of Chaumont-en-Bassigny. — Etienne Porret, lieutenant-general of the said bailliage; Jean Rozé, bailli of Joinville.

Bailliage of Vitry.—Jacques Linage, president in the said bailliage and presidial court; Jean de Saint-Remy, prévôt and juge ordinaire of the royal prévôté of Sainte-Menehould.

Bailliage of Meaux. — Philippe du Valengelier, king's councillor in the presidial court of Meaux; Antoine Michelet, échevin of the said city.

Bailliage of Provins.—Guillaume le Court, receiver of the common funds of the city of Provins.

Bailliage of Sézanne. —Nicolas Boullée, bourgeois of Sézanne.

Bailliage of Sens.—Nicolas Goujet, advocate in the said bailliage.

Bailliage of Chateau-Thierry.—Jean Marteau, president in the presidial court of the said place.

LANGUEDOC.

Sénéchaussée of Toulouse.—Pierre de Rahou, capitoul of Toulouse; Etienne Tourinierre, advocate; Pierre de Vignans, bourgeois.

Sénéchaussée of Beaucaire.—M. Charles Dessores, king's councillor, judge of the said bailliage; Antoine Broche, doctor-in-law for the diocese of Uzès; Jacques de Cazal-Martin, advocate for the bailliage of Gévaudan.

Sénéchaussée of Puy and Bailliage of Vellay.—Mathieu Triousève, king's councillor in the sénéchaussée of Puy; Claude Morgue, consul.

Montpellier.— . . . .

Sénéchaussée of Carcassonne and Béziers.—Pierre d'Assaly, judge of the criminal court in the sénéchaussée of Carcassonne.

Sénéchaussée of Lauraguais.—Pierre de Villaroux, consul of Castelnaudary.

PICARDY.

Bailliage of Amiens.—Vincent le Roy, Antoine Scarion.

Sénéchaussée of Ponthieu.—Jean de Maupin.

Sénéchaussée of Boulonnais.—Thomas Duwiquet, Robert de Moictier.

Péronne, Montdidier, and Roye.—Robert Choquet, Louis Fouchet, François Gonnet, Antoine Humique.

Bailliage of Clermont-en-Beauvoisis.— . . . .

Bailliage of Beauvais.—Claude de Cauonne, Charles le Bègue, Eustache Choffart.

Bailliage of Senlis.—Paul de Cornouailles.

Bailliage of Valois.—François Rangueil.

Chaumont-en-Vexin.— . . . .

Bailliage of Melun.—Christophe Barbin.

Bailliage of Nemours.—Simon Godet.

Bailliage of Montfort.—Gilles Guillard and Philippe Bary.

Bailliage of Dourdan.—Claude le Camus.

Bailliage of Dreux.—Bernard Couppé.

The Bailliages of Mantes and Meulan.—Antoine Bonnineau, Jean Leau, and Gui Lecomte.

Bailliage of Vermandois.—Adrien de Fer, lieutenant-general in the said bailliage; Claude le Gras, councillor in the said court; Nicolas Fouyn, lieutenant of the inhabitants of Reims.

Dauphiné.—Hugues Desalles and Emard Moissonier.

Provence.—Honoré Ouyrand, Gaspard Richard, Pierre Matty, Alexis Matenis, Pierre-Jean Bernard, Pierre Pugnaire, and Jean Carbonel.

The City of Marseilles.—Jacques Vias.

Bailliage of Saint-Pierre-le-Moustier.—Etienne Tenon, Pierre de Berne.

Sénéchaussée of Bourbonnois.—Guillaume Duret, Louis de Basmaison, Hugues de Cussy.

Bailliage of Beaujolois.—Christophe Fiet.

Bailliage of Forez.—Benoît Blanchet, Jean Retournel, Philippe de Romier.

Sénéchaussée of the Low Countries of Auvergne.—Jean de Basmaison, Pierre Dufretal, Pougnet, Pierre Vryon de Livredoit, Guillaume Costel.

Haut Pays D'Auvergne.—Jean Chabot, Gui de Causel, Jacques Duplois, Jourdain Hérault, Guillaume de Vines.

Sénéchaussée of Lyon.—Pierre Viaron, Nicolas Chaponnay, Pierre Dugas, Claude Berteval.

Haute and Basse Marche.—Antoine du Plantadis, Antoine Barret, Antoine Vacherie.

Orléans.— . . . .

Sénéchaussée of Anjou.—Philippe Guesdon, town-councillor and mayor of Angers; Martin Liberge, doctor in the University of Angers.

Maine.—M. Martin Ourleau, bailli of Mans; Mathurin Lessochet, advocate; Jacques Labis, judge-general of the duchy of Mayenne.

Bailliage of Touraine and Amboise.—M. Gilles Duverger, lieutenant-general of Touraine; Guillaume Bessiau; sieur Deshayes, councillor in the parliament of Britanny, bourgeois of Tours; François Lefranc, mayor of Amboise, Antoine Decours, king's advocate.

Lodunois.—Jacque Bonneau.

Bailliage of Berry.—Henri Maréchal, Claude Lebègue, Claude Tabonnet.

The Bailliage of Chartres.—Claude Sureau.

The Bailliage of Orléans. — Joachim Gervaise, Agnan Cinadat.

Bailliage of Blois.—Simon Niolle.

Bailliage of Gien.—Pierre d'Anjou.

Bailliage of Montargis.—Catherine Petit.

Bailliage of Perche.—Denis Hubert.

Bailliage of Nivernois and Donziois. — Gui Coquille and Martin Roy.

City and Government of La Rochelle.— . . . . . .

Bailliage of Angoumois.—Geoffroy Nogeret.

Bailliage of Estampes. — Jean Hony, Claude Hamonges, Jacques Putan and Jean Godet.

Bailliage of Vendomois.—Réné Dupont, Pierre Viau.

TOTAL, 181 deputies, without those who attended after the first session.

FIFTH LIST.

STATES-GENERAL CONVOKED BY THE LEAGUE, AND HELD AT PARIS IN 1593.*

Deputies of the City, Prévôté, and Vicomté of Paris.— L'Huillier (Jean), maître des comptes, prévôt des marchands; De Nully (Etienne), lord of the said place,

* *Procès-verbaux des Etats Généraux de* 1593, collected and published by M. Auguste Bernard, p. 5.

president in the parliament; Le Maistre (Jean), also president in the parliament; De Masparault (Etienne), sieur de Chenevières, in Brie, master of requests; Boucher (Charles), sieur d'Orsay, president in the great council; Bailly (Guillaume), president in the Court of Exchequer; Du Vair (Guillaume), councillor in the parliament; D'Orléans (Louis), advocate-general in the parliament; Langlois (Martin), advocate, échevin of Paris; Thielement (Séraphin), sieur de Guyencourt, registrar of the great council, secretary of the king; D'Aubray (Claude), sieur de Bruyères-le-Châtel, secretary to the king; Roland (Nicolas), high usher in the Court of Chancery.

DELEGATES OF THE COUNTRY AND DUCHY OF BURGUNDY.

Dijon.—Bernard (Etienne), advocate in the parliament of Dijon, vicomte and mayor of that city.

Autun.—Venot (Jacques), advocate in the parliament of Dijon.

Chalons.—Languet (Claude), sieur de Saint-Côme, advocate, formerly mayor of the city.

Auxois.—Blavot (Charles), advocate, mayor of Semur.

La Montagne.—Remond (Edme), lieutenant-general, civil and criminal, in the bailliage of Châtillon.

Macon.—Mercier (Antoine), triennial member of the Tiers Etat.

Auxerre.—Vincent (Philippe), sieur de Tresfontaines, president at the election of Auxerre.

DEPUTIES OF THE DUCHY OF NORMANDY.

Rouen.—Le Barbier (Nicolas), advocate-general in the parliament of the same city; Du Four (François), sieur des Fossés, échevin of Rouen, secretary to the king; De Laval (Etienne), bourgeois and échevin of Rouen.

Pays de Caux.—Soret (Odet), labourer.

Alençon.—Desportes (Jacques), lieutenant-general in the vicomté of Alençon, in the court of Verneuil.

Dreux.—Langlois (Denis), procureur syndic of the same city.

DEPUTIES OF THE GOVERNMENT OF GUIENNE.

Sénéchaussée of Poitou.—Guérin (Esprit), advocate in the parliament, lieutenant of the waters and forests of Poitiers.

Deputies of the Country and Duchy of Britanny.—Bertié (Jean), sieur du Maynette, councillor in the presidial court of Dinan; Bigot (Pierre), sieur du Breuil, attorney of the city of Fougères.

DEPUTIES OF THE COUNTRIES OF CHAMPAGNE AND BRIE.

Troyes.—Martin (Louis), lieutenant of the bailliage and presidial court of Troyes, Le Boucherat (Simon), registrar in chief at the election of the said city.

Chaumont—De Grand (François), lieutenant criminal in the bailliage and presidial court of Chaumont; De Marisy (Anselme), attorney in the said courts.

Sens.—De la Mare (Claude), bourgeois and mayor of Sens.

Mézières.—Moet (Philippe), sieur de Crèvecreur, attorney of the city of Reims.

DEPUTIES OF THE ILE-DE-FRANCE.

BAILLIAGES OF VERMANDOIS.

Laon.—Le Gras (Claude), councillor in the bailliage of Vermandois, prévôt of Laon.

Reims.—Frizon (Gérard), lieutenant criminal in the presidial court of Reims.

Soissons.—Pepin (François), advocate and bailli in the temporal jurisdiction of the bishop.

Beauvais.—Le Bègue (Charles), bourgeois and échevin of Beauvais.

DEPUTIES OF THE COUNTRY OF PICARDY.

Sénéchaussée of Amiens. — Castelet (François), bourgeois and former mayor of Amiens.

Boulonnais and Montreuil. — Castelet (François), already named.

Ponthieu.—Maupin (Jean), councillor in the sénéchaussée of Ponthieu.

DEPUTIES OF THE GOVERNMENT OF ORLÉANS.

Bailliage and Sénéchaussée of Orléans.—Brachet (Antoine), sieur de la Boesche, advocate in the presidial court of Orléans; Le Breton (Antoine), bourgeois and échevin of the same city.

Berry.—De Saint-Père (François), king's secretary.

Anjou.—Le Moine (Jacques), sieur de la Revière, king's attorney in the presidial court of Anjou.

Maine. —Dumans (Julien), king's advocate in the sénéchaussée of the Maine; de la Fontaine (Julien), receiver of taxes for Touraine; Marceau (Martin), lieutenant-general in the sénéchaussée of the Maine.

Laval. — Roues (Guillaume), sieur du Poyet, receiver of taxes and aids in the elective district of Maine.

Angoumois. — Bourgoing (Horace-Pierre), juge-prévôt of Angoulême.

DEPUTIES OF THE GOVERNMENT OF LYONNAIS.

Bailliage and Sénéchaussée of Lyon. — De Villars (Guillaume), advocate in the presidial court of this city; Gelas (Guillaume), bourgeois and échevin of Lyons; Grollier (Jacques), de l'Arbresle, deputy for the flat country of Lyonnais.

Beaujolais.—Le Brun (Claude), advocate in the bailliage of Beaujeu.

Deputies of the County of Provence.—Du Laurens (Honoré), advocate-general in the parliament of Provence.

Arles.—Chalot (Gaspard), doctor of law, assessor of the town-hall.

Officers appointed for the Chamber of the Tiers Etat:—

L'Huillier (Jean), president;
Venot (Jacques), teller;
Le Boucheret (Simon), teller;
Thielemont (Séraphin), registrar and secretary.

SIXTH LIST.

STATES-GENERAL HELD AT PARIS IN 1614.*

President of the Chamber of the Tiers Etat.—Messire Robert Miron, king's councillor in his councils of state, and privy councillor, president of the Court of Requests in his court of parliament, prévôt des marchands of the city of Paris.

For the City of Paris.—Maître Israël Desnœux, a noble, comptroller of the king's salt-stores in Paris, lord of Mézières, and one of the échevins of the city of Paris; Me Pierre Clapisson, a noble, king's councillor in his prison of the Châtelet, and the presidial court of Paris, and one of the échevins of the city, nominated and elected teller in the said assembly of the Tiers Etat; Pierre Sainctor, a noble, seigneur of Vemars, and one of the councillors of the city; Me Jean Perrot, seigneur of Chesnard, and one of the councillors of the said city; Nicolas de Paris, bourgeois of the said city.

Prévôté and Vicomté of Paris.—Messire Henry de Mesmes, seigneur of Irval, king's councillor in his councils of state, and privy councillor, lieutenant civil of the prévôté, and vicomté of Paris, elected president in the absence of the sieur Miron, deputy for the prévôté and vicomté of Paris.

* *Recueil de Pièces Originales et Authentiques, concernant la Tenue des Etats Généraux.* Paris, 1789, t. v., p. 33.

DUCHY OF BURGUNDY.

Bailliage of Dijon.—Maître Claude Mochet, seigneur of Azu, advocate in the parliament of Dijon, and council of the three estates of the duchy; Messire Réné Gervais, king's councillor and lieutenant-general in the bailliage of Dijon; Me Antoine Joly, king's councillor, registrar in the parliament and states of Burgundy.

Bailliage of Autun.—Me Philibert Venot, advocate in the said bailliage; Me Simon Montaigu, lieutenant-general in the chancery of Autun, and vierg of the said place.

Bailliage of Chalons-sur-Marne.—Me Guillaume Prisque, sieur de Serville, lieutenant criminal in the bailliage of Chalons; Me Abraham Perraut, councillor in the said bailliage, and mayor of the said city.

Bailliage of Auxois.—Claude Espiart, a noble, councillor and secretary of the king, usher in the chancery of Burgundy; Jacques de Cluny, a noble, king's councillor, and prévôtal judge in the city of Avalon.

Bailliage of La Montagne.—Claude François, a noble, king's councillor, lieutenant-general in the bailliage of La Montagne, judge (*qy.*) in the presidial court of Chastillon-sur-Seine; Me François de Gissey, king's councillor and lieutenant-general in the chancery of Chastillon-sur-Seine.

Bailliage of Chasrollois.—Me Claude Maleteste, advocate to the bailliage of Chasrollois; Me Claude de Ganay, sieur de Montéguillon, lieutenant in the bailliage of Chasrollois.

Bailliage of Mascon.—Messire Hugues Fouillard, king's councillor and lieutenant-general of the said place.

Bailliage of Auxerre.—Me Claude Chevalier, a noble

king's councillor and lieutenant-general of the bailliage and presidial court of the said place ; Guillaume Berault, sieur du Sablon, judge consul-échevin of the said city.

Bailliage of Bar-sur-Seine.—Lazarre Coqueley, a noble, maître-particulier of the waters and forests, and mayor of the said Bar-sur-Seine.

DUCHY OF NORMANDY.

City of Rouen.—Jacques Hallé, a noble, seigneur of Canteleu, councillor and secretary of the king, the house and crown of France, formerly councillor, second échevin, and deputy of this city, nominated and elected secretary and registrar of the said Tiers État of France, in the present assembly of the states-general; Michel Maringe, a noble, sieur de Montgrimont, also king's councillor and secretary, and comptroller in his chancery of Normandy, councillor and lately-elected échevin and deputy of the said city.

Bailliage of Rouen.—Jacques Campion of Anzouville-sur-Ry, of honourable family, deputy of the bailliage.

City and Bailliage of Caen.—Guillaume Vauquelin, esquire, seigneur of La Fresnaye, king's councillor, president and lieutenant-general of the said bailliage, and [judge of the (*qy.*)] presidial court, master of requests to the queen-mother, deputy of the said city of Caen; Me Abel Olivier, lord of La Fontaine, one of the syndics of Falaise, deputy for the bailliage.

Bailliage of Caux.—Constantin Housset, of the parish of Flamanville.

Bailliage of Coustantin.—Me Jacques-Germain d'Arcanville, advocate at Carentin, seigneur of the county.

Bailliage of Evreux.—Me Claude de Doux, esquire, lord

of Melleville, king's councillor, master of ordinary requests to the queen-mother, president and lieutenant-general, civil and criminal, in the said bailliage and presidial court.

Bailliage of Gisors.—Me Julien le Bret, a noble, king's councillor, vicomte of Gisors.

Bailliage of Alençon.—Me Pierre le Rouillé, a noble, king's councillor, and advocate in the said bailliage and presidial court.

GOVERNMENT OF THE COUNTRY AND DUCHY OF GUIENNE.

City of Bordeaux and Sénéchaussée of Guienne..—Me Jean de Claveau, a noble, king's councillor, and first substitute for the attorney-general, advocate in the parliament, jurat of the city of Bordeaux; Me Isaac de Boucaud, a noble, deputy of the said city, and sénéchaussée of Guienne, king's councillor in the said sénéchaussée and presidial court, deputy of the said city and sénéchaussée of Guienne.

Sénéchaussée of Bazadois.—Me Antoine de l'Auvergne, king's councillor, and lieutenant-general in the sénéchaussée of Bazas.

Sénéchaussée of Périgord.—Me Nicolas Alexandre, advocate in the presidial court of Périgueux; Me Pierre de la Broulle, king's councillor, lieutenant-general in the criminal court of Sarlat; Me André Charron, king's councillor, and lieutenant-general in the presidial court of Bergerac.

Sénéchaussée of Rouergue.—Me Jean-Gilles Fabry, doctor, first consul in the city of Rhodez, judge of Concoures; Antoine de Bandinel, seigneur of Roquette, first consul

of the city and borough of Rhodez; Foulcrand Coulonges, consul of Villefranche; Me Jean Guérin, doctor, lieutenant in the royal judicature of Creisses, and consul of Milhau; Jacques de Fleires, a noble, lord and baron of Bouson, doctor, syndic-general in the said Rouergue.

Sénéchaussée of Xaintonges.—Raymond de Montaigne, seigneur of Saint-Gene, Combrac, la Vallée, and other places, king's councillor, and lieutenant in the said sénéchaussée.

Sénéchaussée of Agénois.—Me Jean Villemon, king's councillor and attorney in the said sénéchaussée; Julien de Cambeford, esquire, lord of Selves, first consul in the said city of Agen; Me Jean de Sabaros, lord of Montherouge, advocate in the parliament of Bordeaux, syndic of the said country.

States, Country, and County of Cominges.—François de Combis, esquire, lord of the said place and of la Mothe.

County and Jugerie of Rivière, Verdun, Gauré, Barony of Lernac and Marestaing.—Me Louis de Long, king's councillor, and judge-general in the said country.

Dax and Sénéchaussées of Lannes and Saint-Sever.—Me Daniel de Barry, king's councillor, and lieutenant-general in the sénéchaussée of Lannes, in the court of Saint-Sever; Me Arnaul de Coisl, syndic-general of the country and court of Saint-Sever, deputy as coadjutor to the said sieur de Barry, on account of his indisposition.

Albret.—Me Pierre du Ray, king's councillor, lieutenant, civil and criminal, in the sénéchaussée of Albret; Me Jean Broca, consul of the city of Nérac, advocate in the parliament of Bordeaux and chamber of Guienne.

Sénéchaussée of Armagnac.—Me Samuel de Long, king's councillor, lieutenant-general, and *juge-mage* in the sénéchaussée of Armagnac.

City and County of Condom, and Sénéchaussée of Gascony.—Guillaume Ponchalan, a noble, first consul of Condom, lord of la Tour; Raimond de Goujon, a noble, bourgeois, and jurat of the said city.

Haut Limosin and City of Limoges.—Léonard du Chastenet, sieur and baron of Murat, king's councillor, lieutenant-general in the sénéchaussée of Limosin, and presidial court of Limoges, deputy both of the town and *cité* of Limoges, and of the other cities of the flat country, nominated and elected teller; Grégoire de Cordes, lord of Saint-Ligourde, bourgeois of Limoges, as well as deputy of the said city, to assist the said lieutenant-general.

Low Country of Limosin, comprising Tulles, Brives, and Uzerches.—Me François du Mas, lord of Maison, a noble of Chapoulie, and in the dependencies of Pradel-la-Gane and Ganterie, king's councillor, and lieutenant-general in the sénéchaussée of Bas-Limosin, and the presidial court of Brives-la-Gaillarde, deputy for the said Bas-Limosin; Me Pierre de Fenis, lord of Theil, king's councillor, and lieutenant-general in the said sénéchaussée, likewise deputy for Bas-Limosin.

Sénéchaussée of Quercy.—Me Pierre de la Fage, doctor-in-law, advocate in the presidial court of Cahors, and first consul of the said city; Me Paul de la Croix, doctor and syndic of the said country of Quercy.

Country and County of Bigorre.— . . . .

Duchy of Britanny.—Guy-Gonault, esquire, lord of Sénégrand, king's councillor, prévôt and ordinary judge of Rennes; Julien Salmon, a noble, lord of Querbloye, king's councillor and attorney in the presidial court of Vannes; Raoult Moirot, a noble, lord of Gorraye, king's councillor and sénéchal of Dinan; Jean Perret, a noble,

lord of Giclaye; Me Mathurin Rouxel, a noble, lord of Beauvais, procureur-syndic of the inhabitants of Saint-Brieuc; Jean de Harouis, a noble, lord of Lespinay, procureur syndic of the States of Britanny.

COUNTY OF CHAMPAGNE AND BRIE.

Bailliage of Troyes.—Me Pierre le Noble, king's councillor, president and lieutenant-general in the bailliage and presidial court of Troyes; Jean Baziu, esquire, lord of Bouilly and Besènes, mayor of Troyes.

Bailliage of Chaumont in Bassigny.—Me François de Grand, king's councillor, and lieutenant criminal in the bailliage of Chaumont; Me François de Juilliot, king's councillor in the presidial court of Chaumont, and mayor of the said city.

Bailliage of Vitry-le-François.—Me Jacques Rotet, lord of Bestans, king's councillor, prévôt and ordinary judge of Vitry; Me François Rouyer, advocate in the parliament of Paris, resident at Saint-Menehoud.

Bailliage of Meaux.—Me Louis Barre, advocate in the bailliage and presidial court of Meaux; Me Jacques Chalemot, formerly advocate and échevin of the said city.

Bailliage of Provins.—Me Pierre Retel, king's councillor, and lieutenant-particulier, assessor in the bailliage and presidial court of Provins.

Bailliage of Sézanes.—Me Jacques Champion, king's attorney in the bailliage of Sézanes, deceased during the sitting of the said estates.

Bailliage of Sens.—Me Bernard Angenoust, esquire, lord of Trencault, king's councillor, lieutenant-general in the bailliage and presidial court of Sens.

Bailliage of Château-Thierry.—Claude de Vertu, esquire, lord of Macongay, king's councillor, president and lieutenant criminal in the bailliage and presidial court of Château-Thierry.

COUNTY OF TOULOUSE AND GOVERNMENT OF LANGUEDOC.

Sénéchaussée and City of Toulouse.—M[e] Jean de Louppes, king's councillor, and his criminal judge in the sénéchaussée of Toulouse; M[e] Pierre Marmiesse, a noble, doctor-in-law, advocate in the parliament of Toulouse, and capitoul of the said city; M[e] François de Barier, doctor and advocate in the parliament, capitoul and consistorial head of the town-hall in the said Toulouse, deputy of the said city.

Sénéchaussée of Beaucaire and Nismes.—M[e] François de Rochemore, king's councillor, lieutenant-general in the sénéchaussée of Beaucaire and Nismes; Louis de Gendin, a noble, consul of the city of Uzez.

Sénéchaussée of Puy and Bailliage of Vellay.—M[e] Hugues de Filère, king's councillor and principal lieutenant in the sénéchaussée of Puy; M[e] Jean Vitalis, doctor in medicine, and first consul of the said city.

Government of Montpellier.—Daniel de Gallice, king's councillor, treasurer-general of France, first consul and judge (*viguier*) of the said city.

Sénéchaussée of Carcassonne and Beziers.—M[e] Philippe le Roux, seigneur of Alzonne, king's councillor, president and *juge-mage*, hereditary lieutenant and general in the sénéchaussée of Carcassonne and Beziers; David de l'Espinasse, esquire, first consul of the city of Castres, and deputy of the same.

Sénéchaussée of Lauraguais. — Raymond de Cup, king's councillor, and *juge-mage* of Castelnaudary.

Country and County of Foix.—Me Bernard Méric, doctor and advocate in the sénéchaussée, and king's attorney in the city of Foix, capital of the said county.

Bailliage of Vermandois.—Me Etienne de Lalain, lord of Espuissar, Roquinicourt, La Suze, advocate in the bailliage of Vermandois and presidial court of Laon.

Sénéchaussée and Country of Poitou, Fontenay, and Niort. — Réné Brochard, esquire, lord of Fontaines, king's councillor in the presidial court of Poitiers; Me François Brisson, esquire, lord of the palace, king's councillor, and his sénéchal at Fontenay; sire Coste Arnaut, merchant of the city of Poitiers.

Sénéchaussée of Anjou.—Me François Lanier, lord of Saint-James, king's councillor and lieutenant-general of Anjou; Me Etienne du Mesnis, formerly advocate in the said court; Naguères, mayor and captain of the city of Angers.

Sénéchaussée of the Maine.—Me Michel Vasse, lieutenant-general in the criminal affairs of the sénéchaussée of the Maine, deceased during the said states; Me Julien Gaucher, king's late chief advocate in the said sénéchaussée.

Bailliage of Touraine and Amboise.—Me Jacques Gauthier, king's councillor in the parliament of Britanny, president in the presidial court of Tours; Me Réné de Sain, king's councillor and treasurer-general of France, and mayor of the city of Tours; Me Jean Dodeau, a noble, king's councillor, lieutenant-general in the bailliage of the said Amboise; Claude Rousseau, a noble, king's attorney in the election, and former échevin of Amboise.

Bailliage of Berry. — Louis Foucault, esquire, lord of

Champfort, king's councillor, president in the presidial court of Berry, and mayor of the city of Bourges; Philippe-le-Bègue, a noble, king's advocate and councillor in the said presidial court; François Carcat, a noble, king's councillor and attorney in the royal court of Issoudun; Paul Ragueau, king's councillor, and lieutenant-general, civil and criminal, in the bailliage and royal court of Mehun-sur-Yèvre.

Bailliage of Saint-Pierre-le-Moustier.— Me Gascoing, a noble, king's councillor and lieutenant-general in the bailliage and presidial court of Saint-Pierre-le-Moustier; Florimond Rapine, a noble, lord of Samxi, king's councillor and advocate in the said court.

Sénéchaussée of Bourbonnois.—Jean de Champfeu, seigneur of Garennes, king's councillor and president in the office of finances established at Moulins, and mayor of the said city; Jean de l'Aubespin, esquire, bailli and governor of Montaigu-les-Combrailles, treasurer-general of France in the said Moulins; Me Gilbert Balle, lord of Petit-Bois, lieutenant, civil and criminal, in the castle of Ainay; Me Jean Berauld, lieutenant-general, advocate in the sénéchaussée of Bourbonnois.

Bailliage of Forez.—Me Pierre Rival, assessor in the prévôté, and first échevin of the city of Montbrison; Me Claude Greysolon, syndic of the said country of Forests.

Bailliage of Beaujolois. — Claude Charreton, a noble, seigneur of La Terrière, king's councillor, lieutenant-general, civil and criminal, in the said bailliage.

The Bas Pays d'Auvergne.—The two lieutenants-general of the sénéchaussées established in the said country, and Guillaume Maritan, échevin of the city of Clermont, capital of the said country.

Note.—The said lieutenants were not named, for this reason, that when the registrar was about to read the name of Messire Antoine de Murat, king's councillor in his councils of state, and privy councillor, lieutenant-general in the sénéchaussée and presidial court established at Riom, maître Jean Savaron, lord of Villars, king's councillor, president and lieutenant-general in the sénéchaussée and presidial court established at Clermont, opposition was made; and on this followed the deputation in which they were not named, and this in consequence of the decree in council, delivered at Nantes, in August last, by which the variations in the titles and prerogatives of their courts were referred to the superior (*qy.*) court.

Haut Pays D'Auvergne.—M[e] Pierre Chabot, king's councillor, lieutenant-general, civil and criminal, in the bailliage of Haut-Auvergne, established at Saint-Flour, capital of the said country; Pierre Sauret, second consul of the city of Saint-Flour; M[e] Jean Montheil, advocate in the said bailliage of Saint-Flour; M[e] Jean Sauret, advocate in the parliament of Paris, and residing there: in case of the absence of the said Pierre Sauret, consul, his brother to be substituted for him.

Sénéchaussée of Lyons.—M[e] Pierre Austrein, a noble, seigneur of Jarnosse, president in the parliament of Dombes, lieutenant in the sénéchaussée and presidial court of Lyons, district auditor in the government of the said Lyons, county of Lyonnois, Forest and Beaujollois, and prévôt des marchands of the city of Lyons; M[e] Charles Grollier, esquire, seigneur of Escouvires, advocate and attorney-general of the said city; M[e] Jean de Moulceau, advocate to the privy council of the king, deputy of the city of Lyons; M[e] Jean Goujon, advocate in the said sénéchaussée and presidial court of Lyons;

Me Philippe Tixier, captain and châtelain of Dargoire, syndic of the flat country of Lyonnais, deputy of the said country of Lyonnais.

Bailliage of Chartres. — Me François Chavaine, king's councillor, president in the bailliage and presidial court of Chartres; Me Jacques des Essarts, councillor in the said court, councillor of state, deputy for the bailliage of Chartres.

Bailliage of Orléans. — Messire François de Beauharnois, king's councillor, president and lieutenant-general in the bailliage and presidial court of Orléans; Guillaume Rousselet, bourgeois of the city of Orléans, deputy of the Tiers État of the said city; and again the said Beauharnois, deputy of the Tiers État for the royal and non-royal châtellenies of the said bailliage; Me Augustin de l'Isle, king's councillor and lieutenant of the bailli of Orléans, in the court of Chasteau-Regnard, deputy for the Tiers État of the said châtellenies, in case of the absence or illness of the said Beauharnois.

Bailliage of Blois. — Guillaume Ribier, esquire, lord of Haut-Vignon, king's councillor, president and lieutenant-general in the bailliage and presidial court of Blois; Jean Courtin, a noble, sieur of Nantheuil.

Bailliage of Dreux. — Me Thibault Couppé, lord of la Plaine, licentiate in law, advocate in the bailliage of Dreux.

Bailliage of Mantes and Meulan. — Me Jean le Couturier, king's councillor, lieutenant-general, civil and criminal, in the bailliage and presidial court of Mantes; Anthoine de Viot, king's councillor, lieutenant, civil and criminal, in the royal court of the said Meulan.

Bailliage of Gien. — Me Daniel Chaseray, lord of Beaux-Noirs, king's councillor, and lieutenant-general, civil and

criminal, in the said bailliage and county of Gien; M[e] Pierre le Piat, also king's councillor, prévôt, and juge ordinaire, lieutenant civil, assessor, and criminal judge in the city and county of Gien, the prévôté and jurisdiction thereof.

Bailliage of Montargis.—M[e] Réné Ravault, a noble, lord of Monceau, formerly advocate in the bailliage of Montargis-le-Franc.

County and Bailliage of Perche.—M[e] Isaye Petitgars, a noble, seigneur of la Garenne, president in the election of Perche.

Bailliage of Château-Neuf, in Thimerais.— . . . .

PICARDY.

Bailliage of Amiens.—Messire Pierre Pingré, a noble, king's councillor, lieutenant-general in the bailliage and presidial court of Amiens.

Sénéchaussée of Ponthieu.—Philippes de la Vernot Paschal, esquire, president, lieutenant-general, and criminal judge in the sénéchaussée and presidial court of Ponthieu.

County and Sénéchaussée of Boullonois.—Messire Pierre de Vuillecot, lord of les Priez and le Faux, king's advocate in the sénéchaussée and county of Boullonois.

Calais and Regained Countries.—Louis le Beaucler, esquire, and king's councillor, president and judge-general of Calais and regained countries.

Perronne and Roye.—Messire Robert Choquel, king's councillor and attorney-general in the government and prévôté of Peronne, mayor of the said city, and deputy thereof and of the said government.

Prévôté of Montdidier.—Antoine de Berthin, esquire, lieutenant-general, civil and criminal, in the government of

Peronne, Montdidier, and Roye, deputy of the bailliage and prévôté of Montdidier.

Prévôté of Roye.—Me Jacques de Neufville, esquire, lord of Fontaines, king's councillor, and lieutenant-general, civil and criminal, in the government of Roye, deputy thereof.

Bailliage of Senlis.—Philippes Loisel, esquire, king's councillor, president, and lieutenant-general, civil and criminal, in the bailliage and presidial court of the said Senlis; Gabriel de Moutierre, lord of S. Martin, king's councillor, lieutenant of the bailliage of Senlis at Pontoise.

Bailliage of Valois.—Me Charles Therault, seigneur of Vuaremal and Sery, councillor and master of ordinary requests to the Queen Marguerite, duchess of Valois, and lieutenant-particulier of Crespy and Pierre-Fond.

Bailliage of Clermont in Beauvoisis.—Me Pierre le Mercier, a noble, king's councillor, and lieutenant-general in the bailliage of Clermont; Simon Vigneron, a noble, lord of Monceau, king's councillor, and lieutenant-particulier, civil and criminal, in the said bailliage.

Bailliage of Chaumont, in Vexin.—Me Louis le Porguier, prévôt forain, and lieutenant-general in the bailliage of the said Chaumont and Magny, deputy for Chaumont and Magny, in Vexin; André Jorel, lord of Saint-Brice, king's councillor, lieutenant-general, civil and criminal, in the said Magny, deputy for the said Chaumont and Magny, with the said Porguier.

Bailliage of Melun.—Pierre le Jau, esquire, lord of Giroles, king's councillor, lieutenant-general in the bailliage and presidial court of Melun.

Bailliage of Nemours.—Me Jean le Beau, a noble, king's councillor, lieutenant-general, civil and criminal, in the said bailliage and duchy of Nemours; Guillaume le Gris, a noble, captain of the castle of the said Nemours.

Bailliage of Nivernois and Donziois.—M[e] Henry Bolare, lieutenant-general in the bailliage and peerage of Nivernois; M[e] Guillaume Salonnier, councillor, and master of the exchequer of Monsieur le Duc de Nivernois.

The Deputies and Delegates of Dauphiny.—M[e] Louis Masson, a noble, doctor, advocate in the parliament, first consul of the city of Vienne; M[e] Etienne Gilbert, a noble, advocate in parliament; Gaspard de Ceressault, a noble, first consul of Ambrun; Claude Brosse, a noble, seigneur of Sérisin, syndic of the villages of Dauphiny; M[e] Antoine Basset, secretary to the states in the county of Dauphiny.

City and Government of la Rochelle.—M[e] Daniel de la Goutte, king's councillor, and advocate in the presidial court of la Rochelle, and one of the peers of the said city, and deputy of its corporation, for the Tiers État of the said city and government; M[e] Gabriel de Bourdigalle, a noble, lord of la Chabossière, king's councillor, and attorney in the presidial court and other jurisdictions of the said city and government of Aunis and la Rochelle; Jean Tharray, a merchant, bourgeois of the said city, procureur syndic of the bourgeois and inhabitants thereof, deputy for the said bourgeois and inhabitants and Tiers État thereof.

Sénéchaussée of Angoumois.—Philippe de Nemond, esquire, lord of Brie, king's councillor, and lieutenant-general in the sénéchaussée and presidial court of Angoulmois, and master of requests to the queen.

Bailliage of Montfort-l'Amaulry and Houdan.—M. Noël Rafron, a noble, king's councillor, and attorney in the bailliage and county of Montfort; Nicolas Philippes, warden of the waters and forests of Néaufle-le-Chastel, receiver for the land and seigneury of Pont-Chartrain.

Bailliage of Etampes.—Me Jacques Petau, a noble, king's councillor, lieutenant-general, civil and criminal, in the said bailliage and duchy of Etampes, and mayor of the said city.

Bailliage of Dourdan.—Me Pierre Boudet, advocate in the said bailliage.

The Delegates and Deputies of the States of Provence.—Jean-Louis de Mathaon, a noble, lord of Salignac and Entrepierre, advocate in the court, assessor of the city of Aix, and attorney of the said county; Me Thomas de Féraporte, advocate in the court of the parliament of Provence, syndic of the Tiers État of the said country; François de Sebolin, sieur of la Mothe, first consul of the city of Hières; Me Antoine Achard, registrar of the states of Provence.

Marseilles.—Me Balthazard Vias, doctor-in-law, advocate in the court of parliament of Provence, and assessor of the city of Marseilles.

Arles.—Me Pierre d'Augières, advocate in the parliament of Provence, assessor of the consuls and communities of the city.

Sénéchaussée of la Haute-Marche.—Me Jean Vallenet, lord of Ribière, king's councillor, lieutenant-particulier in the court of Gueret.

Sénéchaussée and Country of la Basse-Marche.—Me François Reymond, lord of Cluseau, king's councillor, and lieutenant-general in the sénéchaussée of la Basse-Marche, in the city of Bellac.

Duchy and Bailliage of Vendômois.—Me Jean Bautru, lord of Matrats, bailli of the country and duchy of Vendômois; Me Mathurin Rateau, registrar in the said bailliage, and échevin in the said city of Vendôme.

Sénéchaussée of Lodunois.—Me Louis Trincaut, king's

attorney in the sénéchaussée of Lodunois; Me Barthelemy, de Burges, receiver of excise duties and taxes in the election of Lodun.

Bailliage of Beauvais in Beauvoisis.—Robert Darry, esquire, lord of la Roche and Ernemont, king's councillor, lieutenant-general, civil and criminal, in the said bailliage and presidial court.

Bailliage of Soissons.—Pierre de Chezelles, esquire, lord of la Forest, of Grizolles, king's councillor, president, and lieutenant-general in the said bailliage and the presidial court.

Sénéchaussée of Chastelleraudois.—Me François Ferrand, king's councillor, and attorney in the said sénéchaussée.

Bresse.—Me Charles Chambart, advocate in the presidial court of Bourg, and syndic of the district.

Bailliage of Bugey and Valromay.—Me Charles Monin, advocate in the bailliage of Bugey; Me Pierre Passerat, châtelain of Stillon de Michailhe.

Bailliage of Gex.—Me Jacques Tombel, bourgeois of the said Gex.

APPENDIX III.

CAHIER OF THE VILLAGE OF BLAIGNY DRAWN UP FOR THE STATES-GENERAL OF 1576.*

In this convocation of the states, the grievances and complaints of each are set forth, that since it has pleased God to inspire the king to listen to his people, he may grant them the remedy which the evil requires, since the proper office of a king is to give judgment and justice, and to reign with the good-will of his people.

And one of the most necessary means is to maintain religion in peace and unity, which are the most powerful defence in the world, and an indissoluble bond of friendship, by which everything will increase in prosperity, and for this end to appoint a public council.

From this time forward it is necessary to provide, by election, as being the means of providing spiritual

* General and particular form of the convocation and holding of the national assemblies or the states-general in France verified by authentic documents, 1789, Part I.; *Pièces Justificatives*, No. 45.—This village is probably Bleigny-le-Carreau, department of the Yonne.

nourishment worthy above everything else of praise, capable priests and ministers of the Church, beneficed clergy, and other prelates, who will reside on their cures, to preach to and instruct the people without hope of a dispensation.

In this manner, all facilities of abusing benefices, as has been the case heretofore, and that notoriously, against all the holy constitutions, will be removed.

Likewise, in order to cut short the involved proceedings of law, and to reduce justice to its original state, that the appointments in the royal courts be given to those who have practised as advocates in the localities, that they be triennially elected, and remain there according to their election, provided that those be continued who have obtained their position by purchase; and by the same means the advocates be bound to observe the ordinances for curtailing proceedings, on pain of forfeiting all expenses, damages, and interests, in their own persons, and the advocates be admitted to plead in all the courts for the protection of the right of parties, and the edict established afresh in favour of the attorneys be suppressed, as made to the detriment of the people.

That the *seigneurs* having administration of justice have capable judges and protectors of justice, as it has been appointed by the ordinances, and be forbidden to have judges in their pay, on pain of their jurisdiction being united to that of the Crown.

That those who shall have forcibly resisted the hand of justice shall be corporally punished, their goods

seized and confiscated to the king, and proceedings instituted against them by the judges of the district where they have transgressed, without prejudice to any protest or appeal whatever, or delay of execution.

And as nothing can happen to the poor labourer worse than a death which shall not even put an end to the misfortunes, oppressions, and tyrannies which the soldiery have practised towards them, the poor people show :—

That it is very necessary, in the case of future war, that the soldiery be elected by the provinces, and that the commanders who shall have charge of them shall enrol the soldiers by their proper names, surnames, and places of abode, of which they shall give in a paper, signed by their hands, or otherwise approved, to the governors of the countries, without their being able to change their names as they pass through the country, on pain of being all liable to be condemned to death.

Likewise that they pay by common consent, in consideration for the food which they shall have; and the king shall make order for them from the revenues proceeding from the ordinary taxes established for this purpose; and in every place where they shall lodge their captains or commanders shall write their names on the registers, in order that they may be called upon in case of ill-conduct, and proceedings be taken by the judges of the localities against the delinquents, without prejudice to any protest or appeal whatever.

That the ancient ordinances on the matter of the

gendarmerie be observed, and the *seigneurs* and nobles honoured with places which many others occupy by favour, and covet the said places to the ruin of the poor, as they come and go through the country, be not permitted, unless on occasion of necessity they have the means of rendering a service to the king, and travel in such a style as be required.

And that foreigners shall not be admitted into such appointments, nor in other states of the kingdom, but be forced to vacate them immediately, on pain of being forcibly ejected, and their goods seized for the king.

That the extraordinary charges imposed on the people, as well as the eighths, the twentieths, and imposts, dues on the import of wine, excise on salt, and other subsidies, be abolished, and the poor people be restored to the state and liberty which they enjoyed in the time of the great king, Louis XII., without any power of their being in future brought back, or of a loan being made without the consent of the people.

That those who have managed the finances of the king render account of them; and for the future those who shall be introduced into such posts shall be elected with the concurrence of the people, in order to avoid fresh extortions.

And in order that all objects of merchandise command a better price, and the quality of persons be recognised, to avoid all superfluity of luxury, the ordinances upon the subject of dress shall be kept and observed, on pain of death.

So all persons, not nobles, shall be liable to contribute to the ordinary taxes, and also all nobles who hold in villanage, in order that the poor people be relieved.

That all other ordinances be inviolably observed, as well in matters of justice as police; and for the future those which the king shall make shall pass through the supreme courts, in order to be published, in spite of all injunctions or express commands contrary thereto, according to the practice of all antiquity.

(Signed) LE FEBRE.

THE END.

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